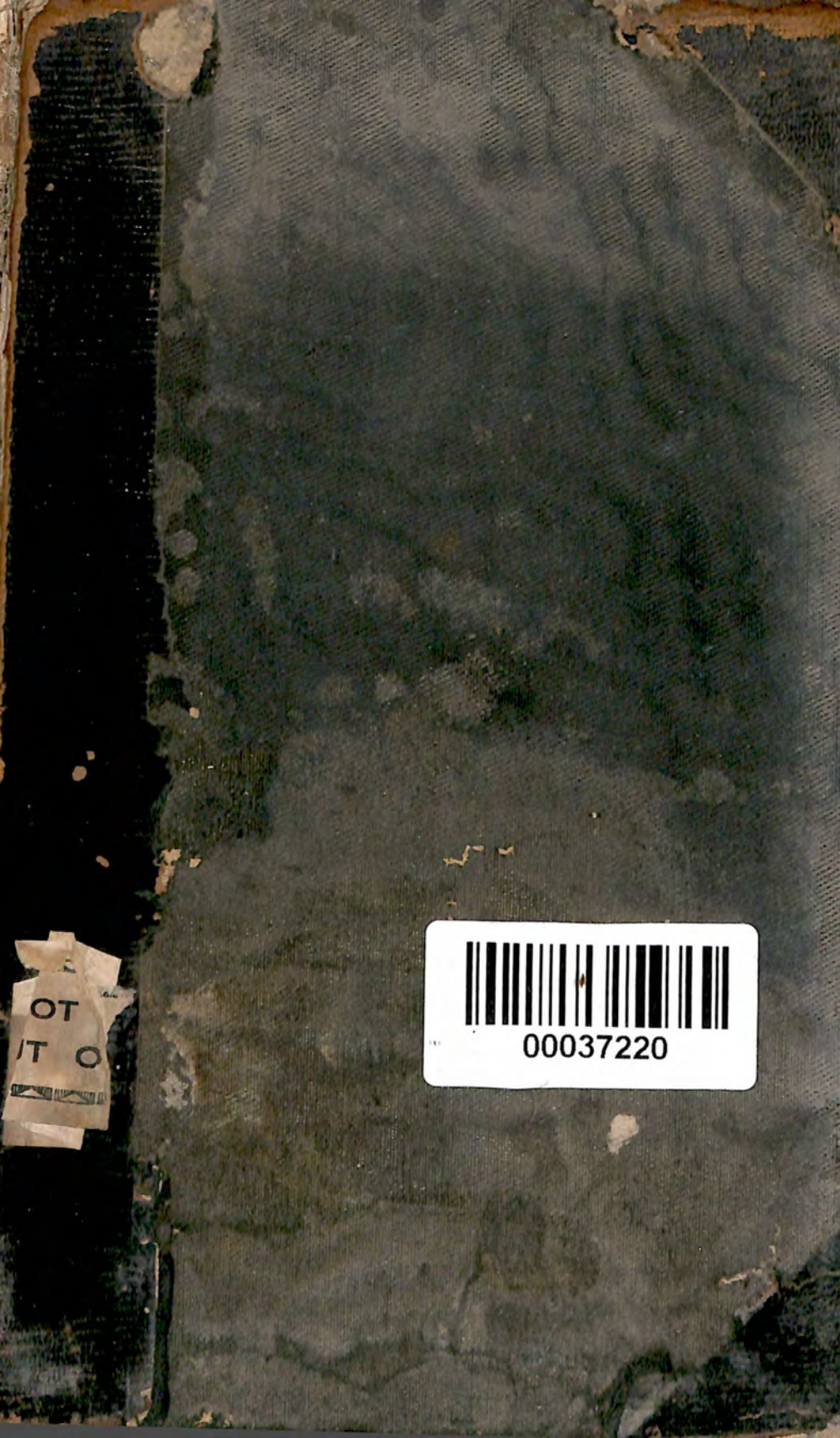
00037220

BOMBAY BRANCH

OF THE

Royal Asiatic Society.

Digitized with financial assistance from the
Government of Maharashtra
on 10 February, 2016

THE

HISTORY

OF

THE RISE AND PROGRESS

OF

THE UNITED STATES

OF

NORTH AMERICA,

TILL

THE BRITISH REVOLUTION IN 1688.

By JAMES GRAHAME, Esq.

37220
ae

IN TWO VOLUMES.

VOL. II.

VV-e-6

LONDON:
PRINTED FOR
LONGMAN, REES, ORME, BROWN, AND GREEN,
PATERNOSTER-ROW.
1827.

God
973.2
Gral His

37220

00037220

CONTENTS

OF

THE SECOND VOLUME.

BOOK III.

MARYLAND.

Charter of Maryland obtained from Charles I. by Lord Baltimore. Emigration of Roman Catholics to the Province. Friendly Treaty with the Indians. Generosity of Lord Baltimore. Opposition and Intrigues of Cleyborne. First Assembly of Maryland. Representative Government established. Early introduction of Negro Slavery. An Indian War. Cleyborne's Rebellion. Religious Toleration established in the Colony. Separate Establishment of the House of Burgesses. Cleyborne declares for Cromwell — and usurps the Administration. Toleration abolished. Distractions of the Colony — terminated by the Restoration. Establishment of a provincial Mint. Happy State of the Colony. Naturalization Acts. Death of the first Proprietary. Wise Government of his Son and Successor. Law against importing Felons. Establishment of the Church of England suggested. Dismemberment of the Delaware Territory from Maryland. Arbitrary Projects of James II. Rumour of a Popish Plot. A Protestant Association is formed — and usurps the Administration. The Proprietary Government suspended by King William. Establishment of the Church of England, and Persecution of the Catholics. State of the Province — Manners — Laws. Page 3

BOOK IV.

NORTH AND SOUTH CAROLINA.

CHAP. I.

Early Attempts of the Spaniards and the French to colonize this Territory. First Charter of Carolina granted by Charles II. to Lord Clarendon and others. Formation of Albe-

BOOK VII.

PENNSYLVANIA AND DELAWARE.

CHAP. I.

Birth and Character of William Penn. He solicits a Grant of American Territory from Charles II. Charter of Pennsylvania. Objects and meaning of the Clauses peculiar to this Charter — English and American Opinions thereon. Penn's Efforts to people his Territories. Emigration of Quakers to the Province. Letter from Penn to the Indians. Penn's first Frame of Government for the Province. Grant of Delaware by the Duke of York to Penn — who sails for America — his joyful Reception there. Numerous Emigrations to the Province. First Legislative Assembly. Pennsylvania and Delaware united. Controversy with Lord Baltimore. Treaty with the Indians. Second Assembly — new Frame of Government adopted. Philadelphia founded. Penn's Return to England — and Farewell to his People. Page 373

CHAP. II.

Penn's Favour at the Court of James II. Dissensions among the Colonists — their Disagreement with Penn about his Quit Rents. He appoints Five Commissioners of State. Rumour of an Indian Massacre. Penn dissatisfied with his Commissioners — appoints Blackwell Deputy Governor. Arbitrary Conduct of Blackwell. Displeasure of the Assembly. Dissensions between the People of Delaware and Pennsylvania. Delaware obtains a separate executive Government. George Keith's Schism in Pennsylvania. Penn deprived of his Authority by King William. Fletcher appointed Governor. Penn's Authority restored. Third Frame of Government. Quaker Accession to War. Penn's Second Visit to his Colony. Sentiments and Conduct of the Quakers relative to Negro Slavery. Renewal of the Disputes between Delaware and Pennsylvania. Fourth and last Frame of Government. Penn returns to England. Union of Pennsylvania and Delaware dissolved. Complaints of the Assembly against Penn. Misconduct of Governor Evans — he is superseded by Gookin. Penn's Remonstrance to his People. State of Pennsylvania and Delaware at the Close of the 17th Century. Page 427

APPENDIX.

State and Prospects of the North American Provinces at the Close of the 17th Century. Sentiments and Opinions of the Colonists respecting the Sovereignty and the Policy of Great Britain, &c. Page 483

BOOK III.

MARYLAND.

THE

HISTORY

OF

NORTH AMERICA.

BOOK III.

MARYLAND.

Charter of Maryland obtained from Charles the First by Lord Baltimore.—Emigration of Roman Catholics to the Province.—Friendly Treaty with the Indians.—Generosity of Lord Baltimore.—Opposition and Intrigues of Cleyborne.—First Assembly of Maryland.—Representative Government established.—Early Introduction of Negro Slavery.—An Indian War.—Cleyborne's Rebellion.—Religious Toleration established in the Colony.—Separate Establishment of the House of Burgesses.—Cleyborne declares for Cromwell—and usurps the Administration.—Toleration abolished.—Distractions of the Colony—terminated by the Restoration.—Establishment of a provincial Mint.—Happy State of the Colony.—Naturalization Acts.—Death of the first Proprietary.—Wise Government of his Son and Successor.—Law against importing Felons.—Establishment of the Church of England suggested.—Dismemberment of the Delaware Territory from Maryland.—Arbitrary Projects of James the Second.—Alarm of the Colonists.—Rumour of a Popish Plot.—A Protestant Association is formed—and usurps the Administration.—The Proprietary Government suspended by King William.—Establishment of the Church of England, and Persecution of the Catholics.—State of the Province.—Manners.—Laws.

FROM the history of Massachusetts and of the other New England states, which were the offspring of its colonization, we are now to proceed to consider the establishment of a colony which arose from the set-

BOOK III.

tlement of Virginia. In relating the history of this state, we have had occasion to notice, among the causes that disquieted its inhabitants during the government of Sir John Harvey, the diminution of their colonial territory by arbitrary grants from the crown, of large tracts of country situated within its limits. The most remarkable of these was the grant of Maryland to Lord Baltimore.

Sir George Calvert, afterwards Lord Baltimore, was Secretary of State to King James the First, and one of the original associates of the Virginian Company. Impressed with the value of colonial property, and the improvement that it seemed likely to derive from the progress of colonization, he employed his political influence to secure an ample share of it to himself and his family. He was a strenuous asserter of the supremacy of that authority from the exercise of which he expected to derive his own enrichment; and when a bill was introduced into the House of Commons for making the Newfoundland fishery free to all British subjects, he opposed it, on the plea that the American territory, having been acquired by conquest, was subject to the exclusive regulation of the royal prerogative. The first grant that he succeeded in obtaining was of a district in Newfoundland named Avalon, where, at a considerable expense, he formed the settlement of Ferryland[1]: but finding his expectations disappointed by the soil and climate of this inhospitable region, he paid a visit to Virginia, for the purpose of ascertaining if some part of its richer territory might not be ren-

1620.

1622.

[1] His colonial policy is thus contrasted by an old writer, with that of Chief-Justice Popham, the promoter of the first attempts to colonize New England: "Judge Popham and Sir George Calvert agreed not more unanimously in the public design of planting, than they differed in the private way of it: the first was for extirpating heathens, the second for converting them. He sent away the lewdest, this the soberest people: the one was for present profit, the other for a reasonable expectation"—"the first set up a common stock, out of which the people should be provided by proportions; the second left every one to provide for himself." Lloyd's State Worthies, 751, 752.

dered more subservient to his advantage. Observing that the Virginians had not yet formed any settlements to the northward of the river Potowmack, he determined to obtain a grant of territory in that quarter; and easily prevailed with Charles the First to bestow on him the investiture he desired. With the intention of promoting the aggrandisement of his own family, he combined the more generous design of founding a new state, and colonizing it with the persecuted votaries of the church of Rome, to which he had become a convert: but the design which he had facilitated by an act of injustice, he was not permitted himself to realize. His project, which was interrupted by his death, just when all was prepared for carrying it into effect, was resumed by his son and successor, Cecilius, Lord Baltimore, in whose favour the king completed and executed the charter that had been destined for his father [2]. June, 1632.

Charter of Maryland obtained from Charles the First by Lord Baltimore.

If the charter which this monarch had granted a short time before to the puritan colonists of Massachusetts may be regarded as the exercise of policy, the investiture which he now bestowed on Lord Baltimore was not less manifestly the expression of favour. This nobleman, like his father, was a Roman catholic; and his avowed purpose was to people the territory with colonists of the same persuasion, and erect an asylum in America for the catholic faith. By the charter, it was declared that the grantee was actuated by a laudable zeal for extending the christian religion, and the territories of the empire; and the district assigned to him and his heirs and successors was described as "that region bounded by a line drawn from Watkins' Point of Chesapeak Bay; thence to that part of the estuary of Delaware on the north which lies under the fortieth degree, where New

[2] Chalmers, 101. 201.

BOOK III.

1632.

England is terminated; thence in a right line, by the degree aforesaid, to the meridian of the fountain of Potowmack; thence following its course by the farther bank to its confluence." In honour of the queen, the province thus bestowed on a nobleman of the same faith with her majesty was denominated Maryland; and in honour, perhaps, of her majesty's faith, the endowment was accompanied with immunities more ample than any of the other colonial establishments possessed. The new province was declared to be separated from Virginia, and no longer subordinate to any other colony, but immediately subject to the crown of England, and dependant on the same for ever. Lord Baltimore was created the absolute proprietary of it; saving the allegiance and sovereign dominion due to the crown. He was empowered, with the assent of the freemen or their delegates, whom he was required to assemble for that purpose, to make laws for the province, not repugnant to the jurisprudence of England: and the acts of the assembly he was authorised to execute. For the population of the new colony, licence was given to all his Majesty's subjects to transport themselves thither; and they and their posterity were declared to be liegemen of the king and his successors, and entitled to the liberties of Englishmen, as if they had been born within the kingdom. Power was given to the proprietary, with assent of the people, to impose all just and proper subsidies, which were granted to him for ever: and it was covenanted on the part of the king, that neither he nor his successors should at any time impose, or cause to be imposed, any tallages on the colonists, or their goods and tenements, or on their commodities to be laden within the province. Thus was conferred on Maryland, in perpetuity, that exemption which had been granted to other colonies for a term of years. The territory was erected into a palatinate;

and the proprietary was invested with all the royal rights of the palace, as fully as any bishop of Durham had ever enjoyed: and he was authorised to appoint officers, to repel invasions, and to suppress rebellions. The advowsons of those churches, which should be consecrated according to the ecclesiastical laws of England, were granted to him. The charter finally provided, that, in case any doubt should arise concerning its true meaning, the interpretation most favourable to the proprietary should be adopted; excluding, however, any construction derogatory to the christian religion, or to the allegiance due to the crown [3].

Though the sovereignty of the crown was thus reserved over the province, and a conformity enjoined between its legislation and the jurisprudence of England, no means were provided for the exercise of the royal dominion or the ascertainment of the stipulated conformity. The charter contained no special reservation of royal interference in the government of the province, and no obligation on the proprietary to transmit the acts of assembly for confirmation or disallowance by the king. In erecting the province into a palatinate, and vesting the hereditary government of it in the family of Lord Baltimore, the king exercised the highest attributes of the prerogative of a feudal sovereign. A similar trait of feudal prerogative appears in the perpetual exemption from royal taxation which was confirmed by the charter, and which, at a later period, gave rise to much intricate and elaborate controversy. It was maintained, when this provision became the subject of critical discussion, that it could never be construed to import an exemption from parliamentary taxation, since the king could not be supposed to intend to abridge the juris-

[3] Laws of Maryland, p. 3. Hazard, p. 327.

BOOK III. 1632.

diction of the parliament, or to renounce a privilege that was not his own [4]; and that even if such construction had been intended, the immunity was illegal, and incapable of restraining the functions of the legislature. In addition to the general reasoning that has been employed to demonstrate this illegality, reference has been made to the authority of a parliamentary proceeding mentioned by Sir Edward Coke, who, in a debate on the royal prerogative in the year 1620, assured the Commons that a dispensation from subsidies granted to certain individuals within the realm in the reign of Henry the Seventh, had been subsequently repealed by act of parliament. But to render this authority conclusive, it would be necessary to suppose, that every act of parliament that introduced a particular ordinance was also declaratory of the general law; and even then the application of this authority to the charter of Maryland may very fairly be questioned. Colonies, in that age, were regarded entirely as dependencies of the monarchical part of the government: the rule of their governance was the royal prerogative, except where it was specially limited or excluded by the terms of a royal charter; and the same power that gave a political being to the colony was considered adequate to determine the political privileges of its inhabitants. The colonists of Maryland undoubtedly conceived that their charter bestowed on them an exemption from all taxes but such as should be imposed by their own provincial assembly: for it discharged them for ever from the taxation of the only power that was considered competent to exercise this authority over them. Not the least remarkable peculiarity of this

[4] Yet at an after period, it was considered, that an exclusion of parliamentary taxation, whether effectually constituted, would be at least imported by such a clause; and in the Pennsylvania charter when an exemption of this description was conceded, it was qualified by an express "saving of the authority of the English parliament."

charter is, that it affords the first example of the dismemberment of a colony, and the creation of a new one within its limits, by the mere act of the crown. BOOK III. 1632.

Lord Baltimore having thus obtained the charter of Maryland, hastened to execute the design of colonizing the new province, of which he appointed his brother, Leonard Calvert, to be governor. The first body of emigrants, consisting of about two hundred gentlemen of considerable rank and fortune, chiefly of the Roman catholic persuasion, with a number of inferior adherents, sailed from England under the command of Calvert in November, 1632; and after a prosperous voyage, landed in Maryland, near the mouth of the river Potowmack, in the beginning of the following year. The governor, as soon as he landed, erected a cross on the shore; and took possession of the country, *for our Saviour, and for our sovereign lord the king of England.* Aware that the first settlers of Virginia had given umbrage to the Indians by occupying their territory without demanding their permission, he determined to imitate the wiser and juster policy that had been pursued by the colonists of New England, and to unite the new with the ancient race of inhabitants by the reciprocal ties of equity and good-will. The Indian chief to whom he submitted his proposition of occupying a portion of the country answered at first with a sullen indifference, the result most probably of aversion to the measure and of conscious inability to resist it, that he would not bid the English go, neither would he bid them stay, but that he left them to their own discretion. The liberality and courtesy, however, of the governor's demeanour succeeded at length in conciliating his regard so powerfully, that he not only formed a friendly league between the colonists and his own people, but persuaded the other neighbouring tribes to accede to the treaty, and warmly

Emigration of Roman Catholics to the province.

1633.

Friendly treaty with the Indians.

BOOK III.

1633.

declared; *I love the English so well, that if they should go about to kill me, if I had so much breath as to speak, I would command the people not to revenge my death; for I know they would not do such a thing, except it were through my own fault.* Having purchased the rights of the aborigines at a price which gave them perfect satisfaction, the colonists obtained possession of a considerable district, including an Indian town which they immediately proceeded to occupy, and to which they gave the name of St. Mary's. It was not till their numbers had undergone a considerable increase, that they judged it necessary to enact legislative regulations, and establish their political constitution. They lived for some time under the domestic regimen of a patriarchal family, and confined their attention to the providing of food and habitations for themselves and the associates by whom they expected to be reinforced. The lands which had been ceded to them were planted with facility, because they had already undergone the discipline of Indian tillage; and this circumstance, as well as the proximity of Virginia, which now afforded an abundant supply of the necessaries of life, enabled the colonists of Maryland to escape the ravages of that calamity, which had afflicted the infancy, and nearly proved fatal to the existence of every one of the other settlements of the English in America. The tidings of their safe and comfortable establishment in the province, concurring with the uneasiness experienced by the Roman catholics in England, induced considerable numbers of the professors of this faith to follow the original emigrants to Maryland; and no efforts of wisdom or generosity were spared by Lord Baltimore to facilitate the population and promote the happiness of the colony. The transportation of people, and of necessary stores and provisions, during the first two

Generosity of Lord Baltimore.

years, cost him upwards of forty thousand pounds. To every emigrant he assigned fifty acres of land in absolute fee; and with a liberality unparalleled in that age, and altogether surprising in a catholic, he united a general establishment of Christianity as the common law of the land, with an absolute exclusion of the political predominance or superiority of any one particular sect or denomination of Christians. This wise administration soon converted a dreary wilderness into a prosperous colony. It is a proof at once of the success of his policy, and the prosperity and happiness of the colonists, that a very few years after the first occupation of the province, they granted to their proprietary a considerable subsidy of tobacco, as a grateful acknowledgment of his liberality and beneficence[5]. Similar tributes continued, from time to time, to attest the merit of the proprietary and the attachment of the people. 1633.

The wisdom and virtue by which the plantation of the new province was signalised, could not atone for the arbitrary injustice by which its territory had been wrested from the jurisdiction of Virginia; and while it is impossible not to regret the troubles which originated from this circumstance, there is something not altogether dissatisfactory to the moral eye, in beholding the inevitable fruits of usurpation. Such lessons are most agreeable, when the retribution which they represent is confined to the immediate perpetrators of wrong: but they are not least salutary when the admonition they convey is extended to the remote accessaries, who are willing to avail themselves of the injustice of the principal delinquents. The king had commanded Sir John Harvey, the governor of Virginia, to render the utmost assistance and encouragement to Lord Baltimore, in establishing himself and his associates in Maryland.

[5] Oldmixon, i. 185—188. Chalmers, 207, 208.

BOOK III.

1633. But though the governor and his council readily agreed, in humble submission to his majesty's pleasure, to observe a good correspondence with their unwelcome neighbours, they determined at the same time to maintain the rights of the prior settlement. The planters of Virginia presented a petition against the grant to Lord Baltimore: and both parties were admitted to discuss their respective pretensions before the Privy Council. After vainly endeavouring to promote an amicable adjustment, the council awarded that his lordship should retain his patent, and the petitioners their remedy at law—a remedy which probably had no existence, and to which the Virginians never thought proper to resort. For the preventing of farther differences, it was ordered by the council that free and mutual commerce should be permitted between the two colonies; that neither should receive fugitives from the other, or do any act that might provoke a war with the natives; and that both should on all occasions assist and befriend each other in a manner becoming fellow subjects of the same empire.

July.

Opposition and intrigues of Cleyborne.

But although the Virginian planters were thus compelled to withdraw their opposition, and the Virginian government to recognise the independence of Maryland, the establishment of this colony encountered an obstinate resistance from interests much less entitled to respect; and the validity of Lord Baltimore's grant was vehemently opposed by the pretensions of a prior intruder. This competitor was William Cleyborne, a member of Sir John Harvey's council, and secretary of the province of Virginia; and the friendship between Harvey and this individual may perhaps account for a singularity in the conduct of that tyrannical governor, and explain why on one occasion at least he was disposed to maintain the interests of the Virginian planters in

opposition to the arbitrary purposes of the king. About a year preceding the date of Lord Baltimore's charter, the king had granted to Cleyborne a licence under the sign manual to traffic in those parts of America not comprehended in any prior patent of exclusive trade: and for the enforcement of this licence Harvey had superadded to it a commission in similar terms under the seal of his own authority. The object of Cleyborne and his associates was to monopolise the trade of the Chesapeak; and with this view they had proceeded to establish a small trading settlement in the isle of Kent, which is situated in the very centre of Maryland, and which Cleyborne now persisted in claiming as his own, and refused to submit to the newly erected jurisdiction. The injustice of a plea which construed a licence to traffic into a grant of territory, did not prevent the government of Virginia from countenancing Cleyborne's opposition; and, encouraged by the approbation which they openly gave to his pretensions, he proceeded to enforce them by acts of profligate intrigue, and even sanguinary violence. He infused his own spirit into the inhabitants of the isle of Kent, and scattered jealousies among the Indian tribes, some of whom he was able to persuade that the new settlers were Spaniards and enemies to the Virginians. Lord Baltimore at length was sensible of the necessity of a vigorous defence of his rights: and orders were transmitted to the governor to vindicate the provincial jurisdiction, and enforce an entire subordination within its limits. Till this emergency, the colony had subsisted without enacting or realising its civil institutions; but the same emergency that now called forth the powers of government, tended also to develop its organisation. Accordingly, in the commencement of the following

1633.

Sept. 1634.

First assembly of Maryland.

BOOK III.

year, was convened the first assembly of Maryland, consisting of the whole body of the freemen; and
Feb. 1635. various regulations were enacted for the maintenance of good order in the province. One of the enactments of this assembly was, that all perpetrators of murder and other felonies should incur the same punishments that were awarded by the laws of England; an enactment which, besides its general utility, was necessary to pave the way to the judicial proceedings that were contemplated against Cleyborne. This individual, accordingly, still persisting in his outrages, was indicted soon after of murder, piracy, and sedition. Finding that those who had encouraged his pretensions left him unaided to defend his crimes, he fled from justice, and his estate was confiscated. Against these proceedings he appealed to the king; and petitioned at the same time for the renewal of his licence and the grant of an independent territory adjoining to the isle of Kent. By the assistance of powerful friends, and the dexterity of his representations, he very nearly obtained a complete triumph over his antagonists, and eventually prevailed so far as to involve Lord Baltimore and the colonists of Maryland in a controversy that was not terminated for several years. At length the lords commissioners of the colonies, to whom the matter had been referred, pronounced a final sentence, dismissing Cleyborne's appeal, and adjudging that the whole territory belonged to Lord Baltimore, and that no plantation or trade with the Indians should be established without his permission within the limits of his patent. Thus divested of every semblance of legal title, Cleyborne exchanged his hopes of victory for schemes of revenge; and watching every opportunity of hostile intrigue that the situation of the colony might present to him, he was unfortunately

enabled, at a future period, to wreak the vengeance of disappointed rapacity upon his successful competitors [6]. 1635.

The colony meanwhile continued to thrive, and the numbers of its inhabitants to be augmented by copious emigration from England. With the increase of the people, and the extension of the settlements to a greater distance from St. Mary's, the necessity of a legislative code became apparent: and Lord Baltimore having composed a body of laws for the province, transmitted them to his brother, with directions to propose them to the assembly of the freemen. The second assembly of Maryland was in Jan. 1637. consequence convoked by the governor, with the expectation no doubt of an immediate ratification of the suggestions of the proprietary. But the colonists, with a cordial attachment to Lord Baltimore, cherished a just estimation of their own political rights; and while they made a liberal provision for the support of his government, they hesitated not a moment to reject the code that he tendered to their acceptance. In the place of it, they prepared for themselves a collection of regulations, which are creditable to their own good sense, and from which some insight may be derived into the state of the settlement at this period. The province was divided into baronies and manors, the privileges of which were now carefully defined. Bills were framed for securing the liberties of the people and the titles to landed property, and for regulating the course of intestate succession. A bill was passed for the support of the proprietary, and an act of attainder against Cleyborne. In almost all the laws where prices were stated or payments prescribed, tobacco, and not money, was made the measure of value. The colo-

[6] Oldmixon, vol. i. p. 189. Chalmers, p. 206. 209—212. 227—235. Hazard, p. 430.

BOOK III.

1637.

nists of Maryland appear to have devoted themselves as vehemently as the Virginians did at first to the cultivation of this valuable article. In their indiscriminate eagerness to enlarge their contributions to the market, and to obtain a price for the whole produce of their fields, they refused to accede to the regulations by which the planters of Virginia improved the quality by diminishing the quantity of their supply; and this collision was productive of much dispute and ill-humour between the colonies, and tended to keep alive the original disgust with which the establishment of Maryland had been regarded by Virginia.

Feb. 1639. Representative government established.

The third assembly of Maryland, which was convoked two years afterwards, was rendered memorable by the introduction of a representative body into the constitution. The population of the province had derived so large an increase from recent emigrations, that it was impossible for the freeholders to continue any longer to exercise the privilege of legislation by personal attendance. A law was therefore passed for the introduction of representatives, and the modification of the house of assembly. It was declared by this act, that those who should be elected in pursuance of writs issued should be called burgesses, and should supply the place of the freemen who chose them, in the same manner as the representatives in the parliament of England, and, in conjunction with those called by the special writ of the proprietary, together with the governor and secretary, should constitute the general assembly. But though the election of representatives was thus established for the convenience of the people, they were not restricted to this mode of exercising their legislatorial rights; for, by a very singular clause, it was provided, that all freemen refraining from voting at the election of burgesses, were at liberty to take their seats in person in the as-

sembly. The several branches of the legislature were appointed to sit in the same chamber, and all acts assented to by the united body were to be deemed of the same force as if the proprietary and freemen had been personally present. It was not long before the people were sensible of the advantage that the democratic part of the constitution would derive from the separate establishment of its peculiar organ; but although this innovation was suggested by the burgesses very shortly afterwards, the constitution that was now adopted continued to be retained by the legislature of Maryland till the year 1650. Various acts were passed in this assembly for the security of liberty, and the administration of justice according to the laws and customs of England. All the inhabitants were required to take the oath of allegiance to the king; the prerogatives of the proprietary were distinctly recognised; and the great charter of England was declared to be the measure of the liberties of the colonists. To obviate the inconveniences that began to be threatened by the almost exclusive attention of the people to the cultivation of tobacco, it was found necessary to enforce the planting of corn by law. A tax was imposed for the supply of a revenue to the proprietary. But notwithstanding this indication of prosperity, and the introduction of representative government, that the colonists were not yet either numerous or wealthy, may be strongly inferred from the imposition of a general assessment to erect a water-mill for the use of the colony. Slavery seems to have been established in Maryland from its earliest colonization: for an act of this assembly describes *the people* to consist of all christian inhabitants, *slaves only excepted*[7]. That slavery should gain a footing in any community of professing Christians, will excite the regret of every one who knows what slavery and

Early introduction of negro slavery.

[7] Bacon's Laws, 1638, cap. 1, 2. Oldmixon, i. 239. Chalmers, 211, 213, 214.

BOOK III. 1639.

Christianity meant. Some surprise may mingle with our regret when we behold this baneful institution adopted in a colony of catholics, and of men who not only were themselves fugitives from persecution, but so much in earnest in the profession of their distinctive faith, as for its sake to incur exile from their native country. The unlawfulness of slavery had been solemnly announced by the pontiff, whom the catholics regard as the infallible head of their church. When the controversy on this subject was submitted to Leo the Tenth, he declared, that not only the christian religion, but nature herself, cried out against a state of slavery. But the good which an earthly potentate can effect, is far from being commensurate with his power of doing evil. When a pope divided the undiscovered parts of the world between Castile and Portugal, his arrogant division was held sacred; when another levelled his humane sentence against the lawfulness of slavery, his authority was contemned or disregarded.

The discontent with which the establishment of the new colony had been regarded by the Virginians was heightened, no doubt, by the contrast between the liberty and happiness that the planters of Maryland were permitted to enjoy, and the tyranny that they themselves were exposed to from the government of Sir John Harvey. The arguments by which the Maryland charter had been successfully defended against them, tended to associate the loss of their liberties with the existence of this colony: for the complaint of dismemberment of their original territory had been encountered by the plea, that the designation of that territory had perished with the charter which contained it, and that by the dissolution of the company to which the charter had belonged, all the dominion it could claim over unoccupied territory had reverted to the crown. From the company, or at least during

its existence, the Virginians had obtained the liberties which had been wrested from them at the time of its dissolution; and hence their ardent wishes for the restoration of their liberties were naturally connected with the re-establishment of a corporation, whose patent, if revived, would annul the charter of Maryland. It was fortunate for both the colonies that the liberties of Virginia were restored by the king without the appendage of the ancient corporation; and that the Virginians, justly appreciating the advantages they possessed, now regarded with aversion the revival of the patent, and were sensible that their interests would be rather impaired than promoted by the event that would enable them to re-annex Maryland to their territory. Had the change of circumstances and interests been deferred but a short time, the most injurious consequences might have resulted to both the colonies: for the assembling of the Long Parliament, and the encouragement which every complaint of royal misgovernment received from that assembly, inspired the proprietors of the Virginia company with the hope of obtaining a restitution of their patent. Fortified by the opinion of eminent lawyers whom they consulted, and who scrupled not to assure them that the ancient patents of Virginia still remained in force [8], and that the grant of Maryland, as derogatory to them, was utterly void, they presented an application to the parliament complaining of the unjust invasion that their privileges had undergone, and demanding that the government of Virginia should be restored to them. This application would undoubtedly have prevailed, if it had been seconded by the colony. Its failure was mainly occasioned by the vigorous opposition of the assembly of Virginia [9].

BOOK III.

1639.

1640.

[8] This seems to corroborate the supposition that the *quo warranto* against the Virginia company was not prosecuted to a judicial issue.

[9] Chalmers, 215.

BOOK III.

1641.

Under the constitution which was thus preserved to them by the efforts of its ancient antagonists, the colonists of Maryland continued to enjoy a great degree of happiness and prosperity, and to evince, by their unabated gratitude to the proprietary, that the spirit of liberty rather enhances than impairs the attachment of a free people to its rulers, and that a just sense of the rights of men is no way incompatible with a lively impression of their duties. The wise and friendly policy which the governor continued to pursue towards the Indians, had hitherto preserved a peace which had proved highly beneficial to the infancy of the colony. But unfortunately the intrigues of Cleyborne had infected the minds of these savages with a jealous suspicion, which the increasing power of the colony had no tendency to mitigate, and which the immoderate avidity of some of the planters tended powerfully to inflame. The rapid multiplication of the strangers seemed to threaten their extinction as a people; and the augmented value which the territory they sold to the colonists had subsequently derived from the industry and skill of its new proprietors, easily suggested to their envy and ignorance the angry surmise, that they had been defrauded in the original vendition. This injurious suspicion was confirmed by the conduct of various individuals among the planters, who procured additional grants of land from the Indians without the authority of government, for considerations which were extremely inadequate, and which, upon reflection, filled them with anger and discontent [1]. These

[1] Similar causes of offence undoubtedly begot or promoted many of the wars between the Indians and the other colonies. "Such things," says the historian of New Hampshire, "were indeed disallowed by the government, and would always have been punished, if the Indians had made complaint; but they knew only the law of retaliation, and when an injury was inflicted, it was never forgotten till revenged." The fraud, or supposed fraud, of an individual, might, at the distance of many years from its perpetration, involve the whole colony to which he belonged in an Indian war. Belknap, i. 128.

causes at length produced the calamity which the governor had laboured so earnestly to avert. An Indian war broke out in the beginning of the year 1642, and continued for several years after to administer its accustomed evils, without the occurrence of any decisive issue, or the attainment of any considerable advantage by either party. Peace having been with some difficulty re-established, the assembly proceeded to enact laws for the prevention of the more obvious causes of complaint and animosity. All acquisitions of land from the aborigines, without the consent of the proprietary, were declared derogatory no less to his dignity and rights, than to the safety of the community, and therefore void and illegal. It was made a capital felony to sell or kidnap any friendly Indians; and a high misdemeanour to supply them with spirituous liquors, or to put them in possession of arms or ammunition. Partly by these regulations, and more by the humane and prudent conduct of the proprietary government, the peace that was now concluded between the colony and the Indians subsisted, without interruption, for a considerable period of time [2].

BOOK III.

An Indian war. 1642.

1644.

But the colony was not long permitted to enjoy the restoration of its tranquillity. Scarcely had the Indian war been concluded, when the intrigues of Cleyborne exploded in mischiefs of far greater magnitude, and more lasting malignity. The activity of this enterprising and vindictive spirit had been curbed hitherto by the deference which he deemed it expedient to profess to the pleasure of the British court, at which he had continued to cultivate his interest so successfully, that, in the year 1642, he had received from the king the appointment of treasurer of Virginia for life [3]. But the civil wars which had now broke out in England, leaving him no longer any

[2] Chalmers, 216. [3] Hazard, 493.

BOOK III. thing to hope from royal patronage, he made no scruple to declare himself a partizan of the popular cause, and to espouse the fortunes of a party from whose predominance he might expect at once the gratification of his ambition, and the indulgence of his revenge. In conjunction with his ancient associates in the isle of Kent, and aided by the contagious ferment of the times, he raised a rebellion in Maryland in the beginning of the year 1645. Calvert, unprepared at first with a force suitable to this emergency, was constrained to fly into Virginia for protection; and the vacant government was instantly appropriated by the insurgents, and exercised with a violence characteristic of the ascendancy of an unpopular minority. Notwithstanding the most vigorous exertions of the governor, seconded by the well-affected part of the community, the revolt was not suppressed till the autumn of the following year. The afflictions of that calamitous period are indicated by a statute of the assembly, which recites "that the province had been wasted by a miserable dissension and unhappy war, which had been closed by the joyful restitution of a blessed peace." To promote the restoration of tranquillity and mutual confidence, an act of general pardon and oblivion was passed, from the benefits of which only a few leading characters were excepted; and all actions were discharged for wrongs that might have been perpetrated during the revolt. But the additional burdens which it was found necessary to impose upon the people, were consequences of the insurrection that did not so soon pass away: and, three years afterwards, a temporary duty of ten shillings on every hundred weight of tobacco exported in Dutch bottoms was granted to the proprietary; the one-half of which was expressly appropriated to satisfy claims produced by the recovery and defence of the province; and the other was declared to be conferred

1644.

Cleyborne's rebellion.

1645.

August, 1646.

1649.

on him for the purpose of enabling him the better to provide for its safety in time to come[4].

1649. Religious toleration established in the colony.

In the assembly by which the imposition of this duty was enacted, a magnanimous attempt was made to preserve the peace of the colony by suppressing one of the most fertile sources of human contention and animosity. It had been declared by the proprietary, at a very early period, that religious toleration should constitute one of the fundamental principles of the social union over which he presided; and the assembly of the province, composed chiefly of Roman catholics, now proceeded, by a memorable *Act concerning Religion*, to interweave this noble principle into its legislative institutions. This statute commenced with a preamble, declaring that the enforcement of the conscience had been of dangerous consequence in those countries wherein it had been practised; and thereafter enacted, that no persons professing to believe in Jesus Christ should be molested in respect of their religion, or in the free exercise thereof, or be compelled to the belief or exercise of any other religion against their consent; so that they be not unfaithful to the proprietary, or conspire against the civil government: That persons molesting any other in respect of his religious tenets should pay treble damages to the party aggrieved, and twenty shillings to the proprietary: That those who should reproach their neighbours with opprobrious names of religious distinction, should forfeit ten shillings to the persons so insulted: That any one speaking reproachfully against the blessed Virgin or the apostles, should forfeit five pounds; but that blasphemy against God should be punished with death[5]. By the enactment of this statute, the catholic planters of Maryland procured to their adopted country the distinguished

[4] Preface to Bacon's Laws. Chalmers, 217, 218.

[5] Bacon's Laws, 1649, cap. i.

BOOK III. 1649.

praise of being the first of the American states in which toleration was established by law [6]; and graced their peculiar faith with the signal and unwonted merit of protecting that religious freedom which all other christian associations were conspiring to overthrow. It is a striking and instructive spectacle to behold at this period the puritans persecuting their protestant brethren in New England; the episcopalians retorting the same severity on the puritans in Virginia; and the catholics, against whom all the others were combined, forming in Maryland a sanctuary where all might worship and none might oppress, and where even protestants sought refuge from protestant intolerance. If the dangers to which the Maryland catholics must have felt themselves exposed from the disfavour with which they were regarded by all the other communities of their countrymen, and from the ascendancy which their most zealous adversaries the presbyterians were acquiring in the councils of the parent state, may be supposed to account in some degree for their enforcement of a principle of which they manifestly needed the protection, the surmise will detract very little from the merit of the authors of this excellent law. The moderation of mankind has ever needed adventitious support: and it is no depreciation of christian sentiment, that it is capable of deriving an accession to its purity from the experience of persecution. It is by divine grace alone that the fire of persecution thus sometimes tends to refine virtue and consume the dross that may have adhered to it; and the progress of this history is destined to show, that without such overruling agency, the commission of injustice naturally tends to its own reproduction,

[6] Rhode Island was at this time the only one of the protestant settlements in which the principle of toleration was recognised: and even there, Roman catholics were excluded from participating in the political rights that were enjoyed by the rest of the community.

and that the experience of it engenders a much stronger disposition to retaliate its severities than to sympathise with its victims. It had been happy for the credit of the protestants, whose hostility perhaps enforced the moderation of the catholics of Maryland, if they had imitated the virtue which their own apprehended violence may have tended to elicit. But, unfortunately, a great proportion even of those who were constrained to seek refuge among the catholics from the persecutions of their own protestant brethren, carried with them into exile the same intolerance of which themselves had been the victims: and the presbyterians and other dissenters who now began to flock in considerable numbers from Virginia to Maryland [7], gradually formed a protestant confederacy against the interests of the original settlers; and, with ingratitude still more odious than their injustice, projected the abrogation not only of the catholic worship, but of every part of that system of toleration, under whose shelter they were enabled to conspire its downfal. But though the catholics were thus ill requited by their protestant guests, it would be a mistake to suppose that the calamities that subsequently desolated the province were produced by the toleration which her assembly now established, or that the catholics were really losers by this act of justice and liberality. From the disposition of the prevailing party in England, and the state of the other colonial settlements, the catastrophe that overtook the liberties of the Maryland catholics could not possibly have been evaded: and if the virtue they now displayed was unable to avert their fate, it exempted them at least from the reproach of deserving it; it redoubled the guilt and scandal incurred by their adversaries, and achieved for themselves a reputation more lasting and honourable than

BOOK III. 1649.

[7] Oldmixon, vol. i. p. 191. 246. Wynne, vol. i. p. 238.

BOOK III. political triumph or temporal elevation. What Christian, however sensible of the errors of catholic doctrine, would not rather be the descendant of the catholics who established toleration in Maryland, than of the protestants who overthrew it?

1649.

From the establishment of religious freedom, the assembly of Maryland proceeded to the improvement of political liberty; and in the following year the constitution of this province received that structure which, with some interruptions, it continued to retain for more than a century after. So early as the year 1642, the burgesses who had been elected to the existing assembly, whether actuated by the spirit natural to representatives, or animated by the example of the commons of England, had expressed a desire "that they might be separated, and sit by themselves, and have a negative." Their desire was disallowed at that time; but now, in conformity with it, a law was passed, enacting that members called to the assembly by special writ should form the upper house: that those who were chosen by the hundreds should form the lower house; and that all bills which should be assented to by the two branches of the legislature, and ratified by the governor, should be deemed the laws of the province. An act of recognition of the undoubted right of Lord Baltimore to the proprietaryship of the province, was passed in the same session. The assembly declared itself bound by the laws both of God and man, to acknowledge his just title by virtue of the grant of the late king Charles of England; it submitted to his authority, and obliged its constituents and their posterity for ever to defend him and his heirs in his royal rights and pre-eminences, so far as they do not infringe the just liberties of the free-born subjects of England: and it besought him to accept this act as a testimony to his posterity, of its fidelity

1650.

Separate establishment of the house of burgesses.

and thankfulness for the manifold benefits which the colony had derived from him. Blending a due regard to the rights of the people with a just gratitude to the proprietary, the assembly at the same time enacted a law prohibiting the imposition of taxes without the consent of the freemen, and declaring in its preamble, "that as the proprietary's strength doth consist in the affections of his people; on them he doth rely for his supplies, not doubting of their duty and assistance on all just occasions[8]." Perhaps it is only under such patriarchal administration as Maryland yet retained an admixture of in her constitution, and under such patriarchs as Lord Baltimore, that we can ever hope to find the realization of the political philosopher's dream of a system that incorporates into politics the sentiments that embellish social intercourse, and the affections that sweeten domestic life. In prosecution of its patriotic labours, the assembly proceeded to enact laws for the relief of the poor, and the encouragement of agriculture and commerce[9]; and a short gleam of tranquil prosperity preceded the calamities which the province was fated again to experience from the evil genius of Cleyborne, and the interposition of the parent state.

BOOK III. 1650.

The parliament having now established its supremacy in England, had leisure to extend its views beyond the Atlantic; and if the people of Virginia were exposed by their political sentiments to a collision with this formidable power, the inhabitants of Maryland were not less obnoxious to its bigotry from their religious tenets. This latter province was not denounced by the parliamentary ordinance of 1650 as in a state of rebellion, like Virginia; but it was comprehended in that part of the ordinance which

[8] Laws, 1650, cap. 1. cap. 23. cap. 25.
[9] Laws, 1649, cap. 12.; 1650. cap. 1. 33.

BOOK III.

1650. declared that the plantations were, and of right ought to be, dependent on England, and subject to its laws. In prosecution of the views and purposes of this ordinance, certain commissioners, of whom

September, 1651. Cleyborne was one, were appointed to reduce and govern the colonies within the bay of Chesapeak. In Virginia, where resistance was attempted, the existing administration was instantly suppressed: but as the proprietary of Maryland professed his willingness to acknowledge the parliamentary jurisdiction, the com-

1652. missioners were instructed to respect his rights; and he was suffered to rule the province as formerly, though in the name of the keepers of the liberties of England [1]. But Cleyborne was not to be so easily deterred from availing himself of an opportunity so favourable for satiating his malignity; and unfortunately his designs were favoured by the distractions in England that preceded the elevation of Cromwell to the protectorate, and by the disunion which began to prevail in the province from the pretensions of the protestant exiles who had recently united themselves

Cleyborne declares for Cromwell, to its population. Ever the ally of the strongest party, Cleyborne hastened to espouse the fortunes of Cromwell, whose triumph he easily foresaw; and in-

1653. flamed the dissensions of the province, by encouraging the protestants to unite the pursuit of their own ascendancy with the establishment of the protectoral government. The contentions of the two parties were at length exasperated to the extremity of civil war: and after various skirmishes, which were fought with alternate success, the catholics and the other partizans of the proprietary government were de-

1654. feated in a decisive engagement, the governor de-

and usurps the administration. posed, and the administration usurped by Cleyborne and his associates [2].

[1] Bacon's Preface. Thurlow's State Papers, i. 197, 198.
[2] Bacon's Preface.

Although the victorious party did not consider themselves warranted expressly to disclaim the title of the proprietary, they made haste to signalise their triumph by abolishing his institutions. Fuller and Preston, whom Cleyborne had appointed commissioners for directing the affairs of Maryland under his highness the lord protector, proceeded to convoke an assembly of the province; and some of the persons who were elected burgesses having refused to serve in a capacity which they deemed inconsistent with their obligations to Lord Baltimore [3], the legislative power was the more unreservedly appropriated by the partizans of innovation. The assembly having, as a preliminary measure, passed an act of recognition of Cromwell's just title and authority, proceeded to frame a law concerning religion, which derogated not less signally from the credit of the protestant cause, than from the justice of the protector's administration [4]. By this law it was declared, that none who professed the doctrines of the Romish church could be protected in this province by the laws of England formerly established, and yet unrepealed, or by the government of the commonwealth: That such as professed faith in God by Jesus Christ, though differing in judgment from the doctrine and discipline publicly held forth, should not be restrained from

1654.

July.

October.

Toleration abolished.

[3] Chalmers, 223.

[4] Cromwell is at least obnoxious to the charge of having suffered the triumph of his own and of the protestant cause to be signalised by the suppression of a toleration established by Roman catholics. That he incited, or even approved this proceeding, is by no means apparent. In the records of this province, there is a letter from him to his commissioners, desiring them not to busy themselves about religion, but to settle the civil government. Chalmers, 236. But the protector was much more distinguished by the vigour of his conduct than the perspicuity of his diction; and his correspondents were sometimes unable to discover the meaning of his letters. It appears that, during the distractions of this period, Virginia evinced a disposition to resume her lost authority over Maryland. This design was instantly checked by Cromwell; and in one of his letters to the commissioners on this subject, we find him reprimanding them for not having understood his former communications. Chalmers, 223, 224. Hazard, 594. He seems, on many occasions, to have studied an ambiguity of language that left him free to approve or disapprove the proceedings of his officers, according to the success that might attend them.

BOOK III. 1654.

the exercise of their religion; "provided such liberty be not extended to popery or prelacy; or to such as, under the profession of Christianity, practise licentiousness[5]." Thus the Roman catholics were deprived of the protection of law in the community which their own industry and virtue had collected, and by those protestants to whom their humanity had granted a country and a home. This unworthy triumph was hailed by the zealots against popery in London, where a book was published soon after under the title of *Babylon's Fall in Maryland*. But the catholics were not the only parties who experienced the severity of the new government. The protestant episcopalians were equally excluded from the protection of law; and a number of quakers having resorted soon after to the province, and begun to preach against judicial oaths and military pursuits, were denounced by the government as heretical vagabonds, and subjected to the punishment of flogging and imprisonment[6].

As Lord Baltimore's right to the proprietaryship of the province was still outwardly recognised, the commissioners, either deeming it requisite to the formality of their proceedings, or more probably with the hope of embroiling him with the protector, demanded his assent to the changes which had been thus introduced. But he firmly refused to sanction either the deposition of his governor, or any one of the recent proceedings of the commissioners and their adherents; and declared in particular, that he never would assent to the repeal of a law which protected the most sacred rights of mankind. The commissioners did not fail to complain of his contumacy to Cromwell, to whom they continued from time to time to transmit the most elaborate representations of the *tyranny*, *bigotry*, and royalist predilections of

[5] Laws, 1654. l. 46. [6] Chalmers, 225.

Lord Baltimore, and the expediency of depriving him of the proprietaryship of the province[7]. But all their representations were ineffectual: Lord Baltimore was allowed by Cromwell to retain the rights which he was practically debarred from exercising; and the commissioners remained in the province to enact the tyranny and bigotry of which they had falsely accused him. Their proceedings, as intemperate as their councils, could neither preserve internal tranquillity in the colony, nor insure their own repose. The people, lately so tranquil and happy, were now a prey to all those disorders which never fail to result from religious persecution embittered by the triumph of party in civil contention. In this situation an insurrection was easily raised by Josias Fendal, a restless and profligate adventurer, destined by his intrigues to become the Cleyborne of the next generation, and who now sought occasion to gratify his natural turbulence under pretence of asserting the rights of the proprietary and the ancient liberties of the province. This insurrection proved eminently unfortunate to the colony. It induced Lord Baltimore to repose a very ill-grounded confidence in Fendal; and its suppression was attended with increased severities from the commissioners and additional impositions on the people [8].

BOOK III.

1655.

Distractions of the colony,

1656.

The affairs of the colony continued for two years longer in this distracted condition; when at length the commissioners, disgusted with the disorders which they had contributed to produce, but were unable to compose, and finding all their efforts unavailing to procure the abrogation of Lord Baltimore's title, to which they ascribed the unappeasable discontent of

[7] Langford's Refutation of a scandalous pamphlet, named Babylon's Fall in Maryland. Chalmers, p. 221. Hazard, p. 620. 621. 623. 628. The only copy of Langford's Tract that I have ever met with was in the library of Mr. Chalmers.

[8] Laws, 1657. cap. 8. Chalmers, p. 224.

BOOK III.

a great part of the population, surrendered the administration of the province into the hands of Fendal, who had been appointed [9] governor by the proprietary. But this measure, so far from restoring the public quiet, contributed to aggravate the mischiefs which had so long infested the province by giving scope to the machinations of that unprincipled agitator, whose habitual restlessness and impetuosity had been mistaken for attachment to the proprietary government. No sooner had he called together an assembly, than with unblushing treachery he surrendered into the hands of the burgesses the trust which Lord Baltimore had committed to him, and accepted from them a new commission as governor: and the burgesses, by his instigation, dissolved the upper house, and assumed to themselves the whole legislative power of the state. Fendal and his associates were probably encouraged to pursue this lawless career by the distractions of the English commonwealth that followed the death of the protector. Their administration, which was chiefly distinguished by the imposition of heavy taxes, and the persecution of the quakers, was happily soon terminated by the restoration of Charles the Second: and Philip Calvert producing a commission to himself from the proprietary, and a letter from the king commanding all officers, and others his subjects in Maryland, to assist in the re-establishment of Lord Baltimore's jurisdiction, found his authority universally recognised and peaceably submitted to. Fendal was now tried for high treason, and found guilty: but the clemency of the proprietary prevailed over his resentments, and he granted him a pardon on condition of a moderate fine, and under declaration of perpetual incapacity of public trust. This lenity was very ill requited by its worthless

1653.

Feb. 1659.

Terminated by the Restoration. 1660.

[9] Winterbotham erroneously ascribes this appointment to Cromwell.

object, who was reserved by farther intrigues and treachery to disturb at an after period the repose of the province. His accomplices, upon a timely submission, were fully pardoned without prosecution. The recent usurpations were passed over in wise silence, and buried in a generous oblivion; toleration was forthwith restored; and the inhabitants of Maryland once more experienced the blessings of a mild government and internal tranquillity[1].

Happily for mankind, amidst the contentions of parties and the revolutions of government, there is a strong under-current of peaceful and industrious life, which often pursues its course with very little disturbance from the tempests that agitate the surface of society. Notwithstanding the disorders to which Maryland had so long been a prey, the province had continued to increase in population, industry, and wealth; and at the epoch of the Restoration, it appears to have contained about twelve thousand inhabitants[2]. The re-establishment of a humane government and general subordination, however, had manifestly the effect of quickening the march of prosperity; and, accordingly, about five years after this period, we find the population increased to sixteen thousand persons. At this latter period, the number of ships trading from England and other parts of the British dominions to Maryland, was computed at an hundred[3]. So great was the demand for labour in the colony, and so liberal its reward, that even the introduction of negro slavery had not been able to degrade it in public esteem. Industry, amply recompensed, was animated and cheerful, and, closely connected with independence and improvement of condition, was the object of general respect. Every

[1] Laws, 1658. cap. 1. 1659. 1661. cap. 6. Chalmers, p. 224—226. 248.
[2] Chalmers, 226.
[3] Oldmixon, i. 204. Blomes' Present State of His Majesty's Isles and Territories in America, p. 201.

BOOK III. 1661.

young person was trained to useful labour; and though a legal provision was made for the support of the poor, pauperism and beggary were unknown in the colony, and the public bounty, though sometimes delicately conveyed to the necessities of proud poverty or modest misfortune, was never known to be openly solicited [4]. An account of the condition of Maryland was published at London in the year 1666, by George Alsop, who had resided in the province both prior and subsequent to the Restoration. From his representation it appears that a great deal of the labour of the colony was performed by indented servants; and that the treatment of those persons was so humane, and the allotment of land and stock which they received from their masters at the end of their quadriennial servitude so ample, that the author, who himself had served in this capacity, declares he was much happier as an indented servant in Maryland than as an apprentice in London. It was common for ruined tradesmen and indigent labourers in England to adopt this resource for retrieving or improving their condition; though many were deterred by the misrepresentations circulated by weak politicians who dreaded the depopulation of the realm, or by interested employers who apprehended an augmentation of the wages of labour. No emigrants, says Alsop, were more successful in bettering their condition than female servants; they invariably obtained an immediate and respectable establishment in marriage. Money appears to have been very scarce in the colony, and quite unknown in its domestic transactions; tobacco being the universal medium of exchange, the remuneration of all services, civil, military, and ecclesiastical, and the measure of all penal

[4] Alsop's Maryland, 15, 16. The English civil wars appear to have produced a considerable improvement in the condition of labourers in North America, by interrupting the emigration of additional competitors for employment. Winthrop's New England, ii. 219.

amercements. This author, when he has occasion to mention the troubles that preceded the Restoration, alludes to them merely as affairs of state, and events of very inconsiderable importance. Of some of the personages who were culpably implicated in them, it was his opinion, "that their thoughts were not so bad at first, as their actions would have led them into in process of time [5]."

A great proportion of the inhabitants of Maryland, and, in particular, all the catholic part of the population, were sincerely attached to the royal government [6]; and the gratification they derived from the restoration of the king enhanced the satisfaction with which they returned to the patriarchal sway of their benevolent proprietary. During the general festivity that prevailed in the province, the house of assembly was convoked by the governor. One of the first measures adopted by this body was an attempt to provide a remedy for the scarcity of money, which, it was declared, formed a serious obstruction to the advancement of trade. For this purpose they besought the proprietary to establish a mint in the province; and enacted that the money to be coined should be of as good silver as English sterling, and that the proprietary should accept of it in payment of his rents and other debts. This act, and the New England ordinance in 1652, are the only instances of the assertion of a right to coin money that occur in the colonial jurisprudence. A coinage accordingly took place in Maryland; and the measure seems neither to have offended the British government, nor to have disappointed the colony, for the law was confirmed and declared perpetual by the assembly in the year

May.

Establishment of a provincial mint.

5 Alsop's Maryland, 31. 35. 37, 38. 101, 102. The Advocates' Library of Edinburgh contains a copy of this little work.

6 It was one of the charges preferred against the proprietary by Cromwell's commissioners, that Charles the Second had been proclaimed by the people of Maryland, without any signification of displeasure from Lord Baltimore. Hazard, 628, 629.

BOOK III.

1661. 1676. Yet, in consequence perhaps of the blame that Massachusetts incurred for a similar proceeding, the practice of coining soon after fell into disuse, and the acts that had introduced it were repealed. In the same session there was passed an act for the imposition of port duties, which conferred on the proprietary half a pound of powder and three pounds of shot for every ton of the burden of vessels not belonging to the province[7]. This act, as we shall afterwards find, gave rise to some political controversy at the period of the British Revolution.

Happy state of the colony.

1662. The happiness and prosperity of the colony were promoted by the arrival, in the following year, of Charles Calvert, the eldest son of the proprietary, whom his father appointed the resident governor of Maryland, for the purpose of enabling him to form acquaintance with the people over whom he was destined to maintain the hereditary jurisdiction. From the various *acts of gratitude* (as they were termed) that were passed by the assembly during his administration, Charles Calvert appears to have followed, with successful virtue, the wise and generous policy of his father; and his administration, both as governor, and afterwards as proprietary, proved no less honourable to himself than beneficial to the province. Legislation continued for a considerable period to be the only public proceeding in which the people were called to share; and various laws were enacted by the assembly for the ascertainment of public and private right, the promotion of commerce, and the encouragement of agricultural and manufacturing industry. Acts were passed for engrafting more perfectly the English statute law on the jurisprudence of the colony; for securing the stability of possessions, and the observance of contracts; and for the encouragement of the sowing of English grain, and the rearing and manufactory of hemp and flax.

[7] Laws, 1661, cap. iv. 7. 14. Chalmers, 248.

BOOK III. 1662—1666.

As the agitations of the parent state had ever been found to diffuse their influence through the colonial territories, and the perturbing spirit of rumour to gain force and falsehood proportioned to the distance from which it was wafted, it was attempted to protect the quiet of the colony by an act against the divulgers of false news; but this desirable object was much more respectably as well as effectually promoted by the excellence and popularity of the governor's administration. The public tranquillity was threatened with some disturbance from the encroachments of the Dutch on the western banks of the Delaware, and from the hostile incursions of a distant tribe of Indians. But the vigorous remonstrances of Calvert obliged the Hollanders to desert the whole country around Cape Henlopen, of which he instantly took possession [8]; and his prudence, seconded by the friendly demonstrations of the Indians who were in alliance with the province, restored peace with the hostile tribe by a treaty, which was confirmed by act of assembly. The fidelity of the Indian allies was rewarded by settling on them and their descendants a considerable territory, which, being assured to them on various occasions by successive acts of the assembly, continued in their possession for near a century after. All the Indian tribes within the limits of the province now declared themselves subject to the proprietary government, and in testimony of this subjection, the inferior chiefs or princes, on the death of their principal sachem, refused to acknowledge the sway of his successor, till his pretension to this dignity had been recognised by governor Calvert. The removal of the Dutch from Cape Henlopen induced many of these settlers to unite themselves to the colony of Maryland, where they were received with the ut-

May, 1666.

[8] A more particular account of the disputes and various proceedings between the English and the Dutch in this quarter will occur in B. V. cap. I. *post.*

BOOK III.

1666. Naturalization acts.

most kindness; and, in the year 1666, the assembly passed in their favour the first act that occurs of any colonial legislature for the naturalization of aliens. Many similar laws were enacted in every subsequent session, till the British Revolution; and, during that period, great numbers of foreigners transported themselves to this province, and became completely incorporated with the ancient inhabitants [9].

The principal, if not the only, inconvenience of which the people of Maryland were sensible at this period, was that which they shared with all the other colonies, and which was inflicted by the parliamentary acts of navigation. In Virginia, where the pressure of these restrictions was sooner and more severely felt, an attempt was made to enhance the price of the staple commodity, by prohibiting the growth of tobacco for a limited time: but, as Maryland refused to concur in this proceeding, its efficacy was defeated, and the ancient animosity of the Virginians against the inhabitants of the neighbouring colony unhappily revived. To this animosity we must ascribe the various complaints against the colonists of Maryland which Virginia continued from time to time to address to the king; all of which, upon examination, proved to be utterly unfounded [1]. As the inconvenience arising from the navigation laws began to be more sensibly experienced in Maryland, the policy that had been ineffectually suggested by Virginia was more favourably regarded; and at length a prohibitory act, suspending the growth of tobacco, was passed this year by the assembly: but the dissent of

[9] Bacon's Laws. Oldmixon, i. 191. Chalmers, 315. 360, 361, 362.

[1] One of these complaints, which the proprietary was called upon to answer, was for making partial treaties with the Indians, and contenting himself with excluding their hostilities from the Maryland territory, without extending the provision to the province of Virginia. The committee of plantations, to which the complaint was referred, on examining the treaties of both parties, reported to the king that Maryland had included Virginia in all her treaties, but that Virginia had demonstrated no such concern for the interests of Maryland. Chalmers, 366.

the proprietary and governor, who apprehended that it might prove injurious to the poorer class of planters, as well as detrimental to the royal customs, prevented this regulation from being carried into effect [2]. The popularity of Lord Baltimore and his son appears to have sustained no abatement from this opposition to the project of the assembly. Though averse to impose any direct restraint on the cultivation of tobacco, they willingly concurred in giving every encouragement that was desired to other branches of industry: and their efforts to alleviate the public inconvenience were justly appreciated, as well as actively seconded, by a people more attentive to improve the remaining advantages of their situation, than to resent the injustice by which these advantages had been circumscribed. While Virginia was a prey to discontent and insurrection, Maryland continued to enjoy the blessings of peace and prosperity, and to acknowledge the patriotic superintendence of its generous proprietary. By an act passed in the year 1671 [3], the assembly imposed a duty of two shillings sterling on every hogshead of tobacco exported: the one-half of which was to be applied in maintaining a magazine of arms, and discharging the necessary expenses of government; and the other half was settled on the proprietary, in consideration of his receiving merchantable tobacco for his rents and alienation fines, at twopence a pound. This provision was soon after continued during the life of the heir of the proprietary, by "An act of gratitude," as the assembly

1666.

1671.

1674.

[2] Bacon's Laws, 1666, cap. 21. Chalmers, 314.

[3] Bacon's Laws, 1671, cap. 11. "Reflecting with gratitude," says the preamble of this enactment, "on the unwearied care of the proprietary, and the vast expense that he has been put to in preserving the inhabitants in the enjoyment of their lives and liberties, and the increase and improvement of their estates." History should delight to record the expressions of popular gratitude for conspicuous service—the public honours rendered to wisdom and virtue.

The same year there was passed an act "for encouraging the importation of negroes and slaves."

BOOK III. termed, their ordinance, "to Charles Calvert, the governor[4]."

1674. Death of the first proprietary. Cecilius, Lord Baltimore, the father of the province, having lived to reap these happy and honourable fruits of the plantation which he had founded and reared with so much wisdom and virtue,

1676. died in the forty-fourth year of his supremacy, crowned with venerable age and unsullied reputation. It was his constant maxim, which he often recommended to the legislative assembly, "that by concord a small colony may grow into a great and renowned nation; but that by dissension, mighty and glorious kingdoms have declined and fallen into nothing." Some observations on the state of the province at the period of his death occur in a letter written in the same year by a clergyman of the church of England, resident there, to the archbishop of Canterbury. Maryland, it appears, had been then divided into ten counties, and contained upwards of twenty thousand inhabitants. The catholics, says this writer, had provided for their priests; and the quakers maintained their speakers; but no care was taken to build up a protestant church. There were but three or four ministers of the church of England in Maryland; and from the want of a public establishment for them, the colony, he declares, had fallen into a most deplorable condition, having become a *pest-house of iniquity*, in which the Lord's day was openly profaned. As a remedy for this evil, he suggests an endowment of the church of England at the public expense[5]. The remedy discredits the representation, which, besides, is totally unconfirmed

[4] Bacon's Laws, 1674, cap. i.

[5] Chalmers, p. 362, 363. Yeo, *apud* Chalmers, p. 375. This representation is as incredible as the statement that was published about twelve years after by the protestant association of Maryland of the daily murders and persecutions incited by the proprietary and committed by the papists. No reliance can be placed on the accounts that men give of the character and conduct of those whom they are preparing or longing to plunder.

by any other account: and it seems neither uncharitable nor unreasonable to suppose, that this writer contemplated the existing condition of society, through the inverted medium of the same opinion that represented to him the future advancement of the spiritual interests of the laity, originating from the promotion of the temporal interests of the clergy. The brightness of distant hope tends to darken the realities of present experience; and the associations that serve to dignify and illustrate the one, are able to degrade and obscure the other. The protestant part of the population of Maryland was less distinguished by that christian zeal which leads men to impose sacrifices on themselves, than by that ecclesiastical zeal which prompts them to exact sacrifices from others; they were probably less wealthy from having been more recently established in the province, than the catholics; and the erection of their churches had been farther retarded by the state of dispersion in which the inhabitants generally lived. The church of England ministers, like the clergy of every other order, depended on the professors of their own particular tenets for support; and it is not easy to see the force of the reasoning that assigns the liberality of other sectarians to their clergymen, as an argument for burthening them with the support of the church of England ministers also,—or the existing incompetency of these ministers to control the immoralities of their people, as an argument for endowing them with a provision that would render them independent of the discharge of their duty. This logic, however, proved quite satisfactory to the primate of England, who eagerly undertook to reform the morals of the people of Maryland, by obtaining a legal establishment and wealthy endowment to a protestant episcopal church in the province.

BOOK III. 1676.

BOOK III.

1676. Wise government of his son and successor.

The deceased proprietary was succeeded by his son Charles, Lord Baltimore, who had governed the province for fourteen years with a high reputation for virtue and ability. With the religious tenets, he inherited the tolerant principles of his father; and one of the first acts of his administration was to confirm the remarkable law of 1649, which established an absolute political equality among all denominations of Christians. Having convoked an assembly, in which he presided in person, he performed, with their assistance, what has often been recommended to other legislatures, but rarely executed by any—a diligent revision of the whole code of provincial laws; repealing those that were judged superfluous or inexpedient, confirming the salutary, and explaining the obscure[6]. In this assembly, an attempt was made to stem the progress of an existing evil, by a regulation more wisely, perhaps, than constitutionally opposed to the policy of the mother country. The morals of the colonists were much more seriously endangered by the transportation of felons to Maryland, than by the want of a legislative endowment in the province to the clergy of the English national church. To the common law of England, this punishment of transportation was quite unknown; though in some cases it permitted the felon who chose rather to lose his country than his life to abjure the realm. It was a statute of Elizabeth which first inflicted banishment on dangerous rogues: and it was James the First who, without any regard to this law, but in the plenitude of his royal prerogative, adopted the measure of ordering dissolute persons to be sent to Virginia. He was indebted for the suggestion to Chief-justice Popham, who being a proprietor of colonial territory, as well as a judge, conceived the project of rendering the administration of justice

[6] Laws, 1676, cap. 1, 2.

subservient to his colonial designs, and had destined New England in particular to anticipate the uses of Botany Bay [7]. The practice of transporting felons to the colonies was resumed soon after the Restoration, and received so far the countenance of the legislature, that an act of parliament authorised the king to inflict this punishment on convicted quakers [8]. The effects of it proved so disagreeable to the people of Maryland, that a law was now framed against the importation of convicts into the province [9], and afterwards re-enacted at various subsequent periods till towards the commencement of the reign of Queen Anne. Whether any notice was taken of this declaration of resistance to a measure of the British government, or what were the effects of it, I am unable to discover. It is certain that at a later period, the evil was continued and increased in spite of the remonstrances of all the respectable inhabitants: and shortly prior to the American revolution, no fewer than three hundred and fifty felons were annually imported into Maryland from the parent state [1].

Law against importing felons.

At the conclusion of the session, the proprietary having announced his intention of visiting England, the assembly, in acknowledgment of the many signal favours he had rendered to the people, and as a token of their love and respect, unanimously desired his acceptance of all the public tobacco which remained unappropriated in the stores of the province [2]. Lord Baltimore was undoubtedly worthy of these demonstrations of regard; and the experience of his own, together with the remembrance of his father's merits, might have been expected to recommend the system of proprietary government to the lasting approbation

7 Lloyd's State Worthies, p. 760.
8 13, 14. Charles II. cap. 1. 9 1676, cap. 16.
1 History of the British Dominions in America, B. VI. cap. 3.
2 1676, cap. 18.

BOOK III. 1676.

of the colonists. But this species of magistracy was destined to enjoy a very brief popularity in America. Allied to no similar institution, and surrounded by no kindred order in the provincial establishments, it stood wholly unsheltered from envy, a solitary specimen of hereditary grandeur; and its objectionable features were exhibited in the most offensive light, when, in the progress of succession, exclusive dignity became the instrument of worthlessness, or the portion of incapacity. These considerations, it must be acknowledged, afford no explanation of the sudden decline which Lord Baltimore's popularity was destined to experience; and we must seek elsewhere for the causes of that revolution of public opinion in which his merits were so ungratefully depreciated or forgotten. If he had lived in an age less subject to jealousy and alarm, or presided in a colony composed entirely of catholics, he would probably have enjoyed a larger harvest of popular gratitude. But the toleration which his father had established, and the naturalization of foreigners which he himself had introduced, had attracted into the province a multitude of protestants both of French and of English extraction. The tolerating principles of the proprietary were not able to disarm the French protestants of their enmity against a faith whose perfidy and persecution they had so severely experienced: and the English protestants, impressed with the opinion which their friends in the mother country had derived from the policy of the king, regarded toleration but as a cloak under which popish bigotry disguised the most dangerous designs. These unhappy impressions were deeply confirmed by the alarms and intrigues of which the ensuing period of English history was abundantly prolific, and which invariably extended their influence to the minds of the people of Maryland; where a mixture of opinions

unknown in any other of the provinces gave a peculiar interest to the conflict of the same opinions that was carried on in the parent state. BOOK III. 1676.

On his arrival in England, Lord Baltimore was assailed with complaints preferred against him to the Committee of Plantations, by the colony of Virginia and the prelates of England. The accusations of Virginia, which related to boundaries and Indian treaties, were easily repelled; but the controversy with the prelates was not so satisfactorily adjusted. Compton, bishop of London, to whom the primate had imparted his ecclesiastical project for the colony, represented to the committee that religion was deplorably neglected in Maryland; that while the Roman catholic priests were enriched with valuable possessions, the protestant ministers of the church of England were utterly destitute of support; and that an universal immorality had consequently overspread the province. Lord Baltimore, in justification of himself and the colonial legislature, exhibited the act of 1649, together with the recent confirmation of it, which gave freedom and protection to every sect of Christians, but special privileges to none. He stated that four ministers of the church of England were in possession of plantations which afforded them a decent subsistence: but that from the variety of religious opinions that prevailed in the assembly, it would be extremely difficult, if not impossible, to induce this body to consent to a law that should oblige any sect to maintain other ministers than its own. Satisfactory as this answer ought to have been, the impartial policy of the proprietary did not meet with perfect acquiescence. The committee declared that 1677[13].

Establishment of the church of England suggested.

13. Three or four of the inhabitants of Maryland were murdered this year by a tribe of Indians who were at war with the colonists of Virginia, and a great deal of alarm was created in the province. But the Indians soon perceived that they had too hastily supposed that the Marylanders were their enemies, and made satisfaction for the outrage. Oldmixon, i. 192.

BOOK III.

they thought fit there should be a public maintenance assigned to the church of England, and that the proprietary ought to propose some means for the support of a competent number of her clergy. The king's ministers at the same time signified to him the royal pleasure that immorality should be discouraged, and the laws against vice punctually executed in Maryland [4].

1677.

This last, and probably the least seriously meant of the injunctions communicated to Lord Baltimore in England, was the only one of them that received any attention from the colonial government. A law was passed by the assembly for the more strict observance of Sunday: and after the return of the proprietary, new regulations were enacted for the more speedy prosecution of offences, and the stricter definition of punishments. As the more rigid enforcement of the navigation act began now to occasion an increased depreciation of the staple produce of the colony, numerous attempts were made by the proprietary and assembly during the two following years to counteract or diminish this inconvenience, by giving additional encouragement to provincial productions and colonial commerce. Laws were enacted for promoting tillage and raising provisions for exportation; for restraining the export of leather and hides; for the support of tanners and shoemakers; and for encouraging the making of linen and woollen cloth. Thus early did the legislature endeavour to introduce manufactures into the province: but the attempt was premature; and though domestic industry was able to supply some articles for domestic uses, it was found impracticable even at a much later period to render Maryland a manufacturing country. For the encouragement of trade, various ports were erected, where merchants were enjoined to reside, and com-

1678.

1681.

[4] Chalmers, 365.

mercial dealings to be carried on, and where all trading vessels were required to unlade their commodities of Europe, and take on board the productions of the province. But from the situation of the country, abounding with navigable rivers, and from the great variety of ports that were erected in conformity with the wishes of the planters, every one of whom desired to have a port on his own plantation, this regulation was attended with very little effect. It was during this interval, that there occurred the last instance of the expression of that reciprocal regard which had done so much honour to the proprietary and the people. By a vote of the assembly in the year 1682, this body "to demonstrate its gratitude, duty, and affection to the proprietary," desired his acceptance of a liberal contribution; which he acknowledged with many thanks, but declined to accept on account of the straitened circumstances of the colony [5].

1681.

1682.

But, amidst all this seeming cordiality, and the mutual endeavours of the proprietary and the people to promote the general interest, there lurked in the province the seeds of present discontent and of future insurrection. The fiction of the popish plot extended its baneful influence to Maryland, and was by some profligate politicians within the colony made the corner stone of projects similar to those in which it originated in England. The insurrections that had been provoked by the oppression of the covenanters in Scotland; the discontents in England; the vehement disputes with regard to the exclusion of the Duke of York from the throne; the continued disagreement between the king and parliament; all, transmitted through the magnifying and uncertain medium of rumour to a country so remote from the

[5] Laws, 1678—1683.

BOOK III.

1682.

opportunity of just information, seemed to forebode a renewal of the convulsions of the preceding reign. A general ferment was excited in men's minds; and in the strong expectation that prevailed of some great change, parties and individuals prepared with anxiety to defend their interests; or intrigued with eagerness for the enlargement of their advantages. The absence of the proprietary from the province during his visit to England probably served to promote the designs of the factious, which, however, received a seasonable check from his return. Fendal, who had raised insurrection against the administration of Cromwell, and afterwards betrayed and resisted the government of the proprietary, now availed himself of the lenity he had experienced, to excite a renewal of commotions in Maryland. He seems to have had no other view than to scramble for property and power amidst the confusion that he expected to ensue; and he encouraged his partizans with the assurance, that, during the approaching civil wars of England, they might easily possess themselves of whatever plantations they pleased to appropriate. But Lord Baltimore, partly by a steady application of the laws, and partly by the influence of the tidings of the king's triumph over his opponents at the dissolution of the Oxford Parliament, was able as yet to preserve, even without a struggle, the tranquillity of the province. Fendal was tried for his seditious practices in the year 1681; and though the acts of the assembly had annexed the penalty of death to the offence of which he was convicted, he was now only fined, and banished from the province for ever. But unfortunately his influence was not banished with his person; and one of his associates, John Coode, who was tried along with him but acquitted, remained behind, to effect, at a fitter season, those designs which were dissipated

for the present by the last ray of success that attended the proprietary's administration. A few others of the less guilty associates of Fendal and Coode were convicted of sedition, and punished by fine [6]. 1682.

Dismemberment of the Delaware territory from Maryland.

The last years of the proprietary government were embittered by the retribution of that injustice in which it began; and the wrong that had been done so long before to Virginia, was now avenged by the abscission of a considerable portion of the territory that had been allotted to Maryland. If the historian of this transaction were permitted to adapt the particulars of it to his own wishes and conceptions of moral consistency, he would ascribe the requital of the Maryland usurpation to other instrumentality than that of the venerable patriarch of Pennsylvania. Such, however, was the mode of this occurrence; and as the founder of American toleration committed the encroachment on Virginia, so another distinguished friend of the rights of conscience effected the retributory partition of Maryland. On the arrival of William Penn in America, a meeting took place between him and Lord Baltimore (two of the most prudent and virtuous persons that have ever ruled over mankind), in the hope of effecting an amicable adjustment of the boundaries of their respective territorial grants. Penn was received by Lord Baltimore with that distinguished respect due to illustrious character, and becoming christian courtesy; and we may suppose that he entertained corresponding regards for a legislator whose institutions had long afforded a peaceful asylum for persecuted quakers. But the pretensions of the parties were so completely inconsistent with each other, that it proved impossible at the time to adjust them in a manner satisfactory to both. Penn had been authorized to

[6] Chalmers, 368. 376.

BOOK III.

1682.

appropriate, among other districts, the whole of the peninsula lying between the bays of Chesapeak and Delaware, which formed a considerable part of the territory included within the charter of Maryland, and part of which had been colonized by Dutch and Swedish settlers before the state of Maryland was formed. Lord Baltimore's was certainly the more equitable claim; but Penn appears to have been encouraged to persist in his counter pretension by the declaration of the Committee of Plantations, that it had never been intended to grant to Lord Baltimore any territory except such as was inhabited at the time by savages, and that the tract which he now claimed having been planted by Christians antecedent to his grant, was plainly excluded from its intendment, though it might be embraced by its literal construction. The controversy between these two distinguished men was conducted with a greater conformity to the general principles of human nature than I find it pleasant to record. While the conflicting claims were yet unsettled, Penn proceeded to appropriate the disputed territory: and as Lord Baltimore insisted that the inhabitants should either acknowledge the jurisdiction of Maryland or abandon their dwellings, mutual proclamations were exchanged by the two proprietary governments against each other's proceedings. A recent and deservedly esteemed biographer of Penn, whose partial acquaintance with the grounds of the dispute explains without excusing his partial judgment on the merits of the parties, has termed Lord Baltimore's assertion of his rights an *outrage*, and characterised the counter proclamation of Penn as a lenient remedy by which christian patience encountered lawless violence. But Penn did not content himself with this remedy. He complained to the English government, and by his interest at court procured it to be adjudged that the

debateable territory should be divided into two equal parts, one of which was appropriated to himself, and the other to Lord Baltimore. This adjudication was carried into effect: and the territory which now composes the state of Delaware was thus dismembered from the provincial limits of Maryland [7].

Meanwhile, the late proceedings against Fendal and his associates were made the foundation, in England, of fresh complaints against Lord Baltimore for partiality to papists. It was in vain for him to represent that the laws of his province gave equal encouragement to Christians of every sect, without dispensing peculiar favour to any; that in order to conform his administration to the principles of the constitution, he had always endeavoured to divide the offices of government as equally as possible among protestants and catholics; and that to allay the jealousy that had taken possession of the protestants, he had latterly suffered them to engross nearly the whole command of the militia, and the custody of the arms and military stores of the province. From the record of Fendal's trial, he showed that the proceedings against this individual had been perfectly fair; nay, so indulgent, that he had been allowed to except against all Roman catholics as jurymen. Notwithstanding the satisfactoriness of this explanation, the ministers of the king, less desirous of doing justice to others than of shifting the imputation of popery from themselves, commanded that all the offices of government should in future be committed exclusively to the hands of protestants; and thus meanly sanc-

7 Chalmers, 647, 648. 650, 651. 661—666. Clarkson's Life of Penn, i. 336, 337. 408, 409. Mr. Clarkson's account of this dispute is very defective, and tends to create an impression of the conduct of Lord Baltimore not less unfavourable than erroneous. If he considered the merits of the respective pleas too uninteresting to deserve his inquiry, he should have refrained from pronouncing or insinuating any judgment on the comparative merits of the parties. The controversy between Lord Baltimore and Penn is resumed and farther illustrated in the history of Pennsylvania, *post*, B. vii. cap. I.

BOOK III.

1682—1685.

tioned the unjust suspicions under which the proprietary government was already labouring. It was less easy for Lord Baltimore to defend himself against another charge which was now preferred against him, and which, having some foundation in truth, involved him in considerable difficulty. He was accused of obstructing the custom-house officers in the collection of the parliamentary duties: and it did certainly appear that, biassed perhaps by the desire of alleviating as far as possible the pressure of the commercial restrictions, he had construed them in some points in a manner too favourable to the freedom and wishes of the colonists. While he endeavoured unsuccessfully to maintain the legitimacy of his interpretation, he strongly charged the collectors of the revenue with wilfully disturbing the trade and peace of the colony by wanton interference and groundless complaint. It would appear that this recrimination was well founded, and that the revenue officers, provoked to find that the unpopularity of their duties prevailed over the respect they conceived due to their office, had laboured to convert their own private disagreements with individuals into the occasion of national dispute: for when a new surveyor-general of the customs in Maryland was appointed shortly after, he had the justice to report that the province had been greatly misrepresented with regard to its opposition to the acts of trade. The proprietary, however, incurred a severe rebuke from the king for his erroneous construction of the law. Charles bitterly complained that he should obstruct his service and discourage his officers, after the many favours that had been heaped upon him and his father, and even threatened him with the visitation of a writ of *quo warranto*[8]. It seems never to have occurred to the English government, nor did Lord Baltimore presume to urge, that the king, in pro-

[8] Chalmers, 368, 369, 370, 371. State Papers, ib. 377, 378.

ceeding to exact imposts in Maryland, violated the most express provisions of the royal charter, and appropriated to himself what truly belonged to the proprietary. BOOK III. 1682—1685.

On the accession of James the Second to the throne of his brother, he transmitted to the colonies a proclamation of this event, which was published in Maryland with lively and unaffected demonstrations of joy. The Committee of Plantations had taken so much pains during the preceding reign to obtain accurate information of the affairs of the colonies and the temper of their inhabitants, that it was perfectly well known how much they were affected by reports from England, and what disturbances the prospect of confusion in the mother country was apt to engender. On the 1685. June. invasions of Monmouth and Argyle, the king transmitted accounts of these occurrences to the proprietary; assigning as the reason for this communication, the prevention of any false rumours which might be spread among his people in that distant province of the empire, by the malicious insinuations of evil disposed men. He informed him at the same time with marks of peculiar exultation, that the parliament had cheerfully granted him an aid, to be levied on the importation of sugars and tobacco, which he hoped would not be burdensome to the inhabitants of Maryland, as the imposition was not laid on the planter, but on the retailers and consumers [9]. But the imposition could not be disarmed of its injurious influence by such royal logic and barren good wishes; and both in Virginia and in Maryland it served to augment the burdens and cool the loyalty of the people. As the other impediments of commerce were found to be aggravated in Maryland by the continued prevalence of a scarcity of money, an attempt was now 1686. made to remedy this evil by a law for the *advance-*

[9] Chalmers, 370. State Papers, ib. 378, 379.

BOOK III.

ment of coins. French crowns, pieces of eight, and rix dollars were appointed to be received in all payments at six shillings each; all other coins at an advance of threepence in the shilling; and the sixpences and shillings of New England, according to their denominations, as sterling. As all accounts at that time were kept in tobacco, and in all contracts it was employed as the admeasurement of value, the coins thus advanced were adjudged to be taken at the rate of six shillings for every hundred weight of that commodity[1]. This law first gave rise in Maryland to the peculiarity of colonial currency, in contradistinction to sterling money.

1686.

Arbitrary projects of James the Second.

At the same time that the king resolved to subvert the constitution of England, he determined to overthrow the proprietary governments of the colonies. It was, he declared, a great and growing prejudice to his affairs, both domestic and colonial, that such independent administrations should be maintained; and it was due no less to his interest than his dignity, to reduce them to more immediate subjection to the crown. Alarmed by the communication of this arbitrary purpose, the proprietary of Maryland again proceeded to England, and vainly represented to the inflexible despot that the administration of his province had been at all times conducted in conformity with the terms of his charter; that he had never knowingly failed in his duty to his sovereign; and that neither he nor his father had committed a single act which could infer the forfeiture of a patent which they had dearly purchased, in adding, at their own great expense, a considerable province to the empire. These remonstrances were disregarded by the king; and the attorney-general received orders to issue a writ of *quo warranto* against Lord Baltimore's charter. The writ was issued accord-

1687.

[1] Laws, 1686, cap. 4.

ingly; but from the dilatory pace of the requisite legal procedure, and the important events that soon after diverted the monarch's attention to nearer concernments, no judgment upon it was ever pronounced[2]. Thus, with impartial tyranny, which even the predilections of the bigot were unable to control, James, disregarding equally the feelings of the puritans of Massachusetts and the catholics of Maryland, involved both in the same undistinguishing project of oppression and degradation. Whether the singular friendship which, in this monarch and William Penn, seemed to unite the two extremes of human nature, might have suspended for a while the destruction of the constitutions of Pennsylvania, this consummation would have infallibly followed in due time; and the royal regards that Penn shared with Judge Jeffries and Colonel Kirke would have procured him no other advantage than that of being, perhaps, the last of the American proprietaries that was sacrificed. Fortunately for the interests of mankind, bigotry, infatuated by tyranny, at length obtained the ascendancy over the king's mind; and depriving the bigot of the adherents of the tyrant, involved even Jeffries in disgrace, and constrained even the prelates of England to seek protection in the principles of liberty. 1687.

The birth of a son to James the Second, which was regarded with mingled scepticism and disappointment by his English subjects, and contributed to hasten the Revolution, was no sooner communicated by the proprietary (who was still in England), to his officers in Maryland, than it excited general joy throughout the province. In the assembly which was convoked on this occasion, a law was passed for a perpetual commemoration and thanksgiving, every tenth day of June, for the birth of the prince[3]. If 1688.

[2] Chalmers, 371.

[3] Laws, 1688, cap. 1.

BOOK III. 1688.

this proceeding seem to indicate the prevalence of a feeling that may be supposed peculiar to the catholics, other parts of the conduct of this assembly strongly evinced the existence of those jealousies with which the protestants were infected, which the mean injustice of the late king's ministers had sanctioned, and which the unfortunate absence of Lord Baltimore now contributed to promote. The burgesses at first demurred to take the oath of fidelity to the proprietary; and afterwards exhibited to the deputy-governors a list of pretended grievances that indicated nothing so strongly as the ill-humour and alarm of the parties who declared themselves aggrieved; for the articles are all so vague and so frivolous, and, if true, related only to such petty and easily remediable violations of law and usage, that it is impossible to peruse them without perceiving that the complainers either sought a cause of quarrel, or had already found one which they were backward to avow. A courteous and obliging answer was returned to the list of grievances, by the deputy-governors; and, as the malcontents were not yet transported by passion beyond the limits of reason and common sense, they returned thanks for this issue[4], and the flame of discontent and suspicion seemed to be extinguished. But the embers remained, and waited only the influence of the coming events to show what a conflagration they were capable of producing. The spirit of party in the province, excited and preserved by religious differences, in an age in which to differ was to dislike and suspect, had been hitherto moderated by the liberal spirit of the laws, and the prudent administration of the proprietary. But no sooner were the tidings of the Revolution in England conveyed to the province, than these latent dissensions, inflamed by fresh incentives, burst forth in a blaze of insurrectionary violence:

Alarm of the colonists.

[4] See Note I. at the end of the Volume.

and those who had long been sowing discontent in the minds of their fellow citizens, now prepared to reap an abundant harvest from the prevalence of public disorder.

When the deputy-governors were first informed of the invasion of England by the Prince of Orange, they hastened to take measures for preserving the tranquillity of the province, where as yet none could foresee, and none had been informed, of the extraordinary use that was to be made of that memorable achievement. They proceeded to collect the public arms that were dispersed in the various counties, and apprehended several persons who were accused of attempts to disturb the public peace. But these measures were completely frustrated by the rumour of a *popish plot*, which suddenly and rapidly disseminated the alarming intelligence that the deputy-governors and the catholics had formed a league with the Indians, for the massacre of all the protestants in the province. Confusion, dismay, and indignation, instantly laid hold of the minds of the people, and every exertion that was made to demonstrate the folly and absurdity of the report proved utterly ineffectual. Like the kindred fiction in England, the tale was corroborated by various unlucky circumstances, that tended wonderfully to support the general delusion. Though Lord Baltimore received orders to proclaim William and Mary, which he readily promised and prepared to obey, yet some fatal accident intercepted the commands which he transmitted to his deputies for that purpose: and they still awaited official orders respecting this delicate and important transaction, long after the corresponding proclamation had been published in Virginia. It happened unfortunately too, that, at the same conjuncture, they had to repeat the annual confirmation of the existing treaty of peace with the Indians. These occurrences, distorted

January.

Rumour of a popish plot.

BOOK III.

1689.

April. A protestant association is formed,

by the arts of the factious, and the credulity of the timid, increased the prevailing panic, and accelerated the explosion it had long threatened to produce. A *protestant association* was formed by John Coode, the former accomplice of Fendal, and being soon strengthened by the accession of numerous adherents, took arms under this worthless leader, for the defence of the protestant faith, and the assertion of the royal title of William and Mary. A declaration or manifesto was published by the associators, replete with charges against the proprietary, that reflect the utmost dishonour on their own cause. The reproaches of tyranny and wickedness, of murder, torture, and pillage, with which Lord Baltimore is loaded in this production, are refuted not only by the gross inconsistency between such heinous enormities and the recent limitation of the public grievances to the frivolous complaints exhibited to the deputy-governors, but by the utter inability of the associators to establish by evidence any one of their charges, even when the whole power and influence of the provincial government was in their hands. With matchless impudence and absurdity, the affronts that had been formerly complained of by the custom-house officers were now cited as an injury done to the province by Lord Baltimore, who, if he had ever participated in them at all, must have been induced to do so by resentment of the real grievances with which the province was afflicted. A charge of this description, however artfully calculated to recommend the cause of the associators to the favour of the British government, would never have suggested itself to a passionate multitude; and it is probable that the whole composition was the work of Coode, whose subsequent conduct showed how little he participated in the popular feelings which he was able to excite and direct with such energy and success. The deputies of Lord

Baltimore endeavoured at first to oppose by force the designs of the associators; but as the catholics were afraid to justify the prevalent rumours against themselves by taking arms, and as the well-affected protestants showed no eagerness to support a falling authority, they were compelled to deliver up the fort, and surrender the powers of government, by capitulation. The king, apprised of these proceedings, hastened to express his approbation of them, and authorised the leaders of the insurgents to exercise in his name the power they had acquired, until he should have leisure to effect a permanent settlement of the administration. Armed with this commission, the associators continued for three years after to administer the government of Maryland, with a tyrannical insolence that exemplified the grievances they had falsely imputed to the proprietary, and produced loud and numerous complaints from both the protestant and catholic inhabitants of the province [5].

and usurp the administration.

King William, meanwhile, endeavoured to derive the same advantage to the royal authority in Maryland, that the tyranny of his predecessor bequeathed to him in Massachusetts. But, to persist in the iniquitous process of *quo warranto*, was no longer practicable; and no other proceeding was left, but to summon Lord Baltimore to answer before the Privy Council the complaints expressed in the declaration of the associators. After a tedious investigation, which involved this nobleman in a heavy expense, it was found impossible to convict him of any other charge than that of holding a different faith from the men by whom he had been so ungratefully persecuted and so calumniously traduced. He was accordingly suffered to retain the patrimonial interest attached by his charter to the office of proprietary, but deprived by an act of council of the

5 Chalmers, 372—374. 381—383, 384.

BOOK III. 1692.

political administration of the province, of which Sir Edmund Andros was at the same time appointed governor by the king[6]. The unmerited elevation of this worthless man was no less disgraceful than the unjust deposition of the proprietary. Lord Baltimore having exercised his power with a liberal regard to the freedom of other men's consciences, now parted with it from a pious regard to the sanctity of his own. Andros, who had formerly acquired promotion by active subserviency to a catholic despot, now purchased its continuance by becoming the no less active abettor of protestant intolerance.

The proprietary government suspended by King William.

Thus fell the proprietary government of Maryland, after an endurance of fifty-six years, during which it had been administered with unexampled mildness, and with a regard to the liberty and welfare of the people, that deserved a very different requital from that which I have had the pain of recording. The slight notice which the policy of this catholic legislator has received from the philosophic encomiasts of liberal institutions strongly attests the capricious distribution of fame, and may probably have proceeded from dislike of his religious tenets, which, it was feared, would share the commendation bestowed on their votary. It was apprehended, perhaps, that the charge of intolerance so strongly preferred against catholic potentates and the Romish church, would be weakened by the praise of a toleration which catholics established and protestants overthrew. But in truth every deduction that is made from the liberality of catholics in general, and every imputation that is thrown on the usual influence of their tenets in contracting the mind, ought

[6] Oldmixon, vol. i. p. 193. "I know not how it happened, but so it was that in King William's reign, Queen Anne's, &c. there were periods when the friends or tools of the abdicated king were more hearkened to than the instruments of the revolution." Ibid. (2d edition) i. p. 244. It is to the first edition of Oldmixon's work that I refer, when the second is not expressly designated.

to magnify the merit of Lord Baltimore's institutions, and enhance the praise by demonstrating the rarity of his virtue. One of the most respectable features of the proprietary administration was the constant regard that was had to justice, and to the exercise and cultivation of benevolence, in all transactions and intercourse with the Indians. But though this colony was more successful than the New England states (who conducted themselves no less unexceptionably to the Indians) in avoiding war with its savage neighbours, yet we have seen that it was not always able to avert this extremity. In both these cases, no doubt, the pacific endeavours of the colonists were counteracted, not only by the natural ferocity of the Indians, but by the hostilities of other Europeans, by which that ferocity was additionally inflamed. Yet the quakers of Pennsylvania, who were exposed to the same disadvantage, escaped its evil consequences, and were never attacked by the Indians. Relying implicitly and entirely on the protection of God, they renounced every act or indication of self-defence that could provoke the antagonism of human nature, or excite apprehensive jealousy, by showing the power to injure. But the puritan and the catholic colonists of New England and Maryland, while they professed and exercised good-will to the Indians, adopted the hostile precaution of showing their power to repel violence. They displayed arms and erected forts, and thus suggested the suspicion they expressed, and invited the injury they anticipated. BOOK III. 1692.

Before toleration was defended by Locke, it was realised by Lord Baltimore; and in the attempts which both of these eminent persons made to establish the model of a wise and liberal government in America, it must be acknowledged that the protestant philosopher was greatly excelled by the catholic no-

BOOK III. 1692.

bleman[7]. The constitutions of William Penn have been the theme of panegyric no less just than general; but of those who have commended them, how few have been willing to notice the prior establishment of similar institutions by Lord Baltimore. Assimilated in their maxims of government, these two proprietaries were assimilated in their political fortunes; both having witnessed an eclipse of their popularity in America, and both being dispossessed of their governments by King William. Penn, indeed, was restored a few years after: but Lord Baltimore's deprivation continued during his life. On his death in 1716, his successor being a protestant, was restored to the enjoyment of proprietary powers. These powers, however, had in the interim sustained some abatement from an act of the English parliament[8], which applied not only to this but to all the other feudatory principalities in North America, and rendered the royal sanction necessary to confirm the nomination of the proprietary governors.

[7] In a company where Sir Isaac Newton, John Locke, and William Penn happened to meet together, the conversation turned on the comparative excellence of the governments of Carolina and Pennsylvania. Locke ingenuously yielded the palm to Penn; (Clarkson's Life of Penn, vol. ii. p. 409.) and would doubtless have yielded it to Lord Baltimore. But Penn's reputation (from the interest which the quakers have felt in promoting it, and the willingness of philosophers to acknowledge him as an ally) has been much better protected than that of Lord Baltimore: and to this perhaps may be ascribed the very different treatment which the descendants of these proprietaries experienced from their respective provinces at the American revolution. The proprietary of Maryland was then a minor; yet his estates were confiscated, and no indemnification could ever be obtained. (Winterbotham, vol. iii. p. 4.) The descendants of Penn, after a long series of quarrels with the people, embraced the cause of Britain; yet the legislature of Pennsylvania indemnified them in the most liberal manner for the loss of their property. (Brissot's Travels, p. 329.)

[8] 7 and 8 Will. III. cap. 22. § 16. This was the first instance in which the English parliament assumed the right of modifying the charter and altering the constitution of an American province. In the course of the following century this power was exercised on several occasions, and very reluctantly submitted to. The pretension to it formed one of the grounds of quarrel that produced the American Revolution.

By another clause in the same statute, it was enacted, "that on no pretence whatever any kind of goods from the English American plantations shall hereafter be put on shore either in the kingdoms of Ireland or Scotland, without being first landed in England, and having also paid the duties there, under the penalty of a forfeiture of the ship and cargo." The Union in 1707 rendered this restriction void, in so far as related to Scotland.

Immediately after his appointment to the office of governor, Sir Edmund Andros proceeded to Maryland, where he convoked an assembly, in which the title of William and Mary was recognised by a legislative enactment. In this assembly an attempt was made to divest the proprietary of the port-duties that had been settled on his family in the year 1661. The assembly now made a tender of the produce of this tax to the king, alleging, that although the provision had been granted generally to the proprietary, the true intention of the legislature had been to confer it merely as a trust for the uses of the public. The king however declined to accept the offer, or sanction the assembly's construction of the grant; Sir John Somers, to whom the legitimacy of the proceeding was referred, having given it as his opinion that the duty truly belonged to Lord Baltimore, and was intended for his own use, and that it would be of dangerous consequence to receive parole proof of an intention in the legislature different from the plain meaning of the words of the law. The ingratitude which was thus evinced towards the proprietary met with a just retribution from the administration of Andros, who, though he is said to have approved himself a good governor in Virginia, appears to have exercised no little severity and rapacity in Maryland. Not the least offensive part of his conduct was, that he protected Coode against the complaints he had provoked, and enabled this profligate hypocrite a little longer to protract the period of his impunity. But Coode's fortunes soon became more suitable to his deserts. Finding himself neglected by Colonel Nicholson, the successor of Andros, he began to practise against the royal government the same treacherous intrigues that he had employed with so much success against the proprietary administration. Inferior in talent to Bacon,

1692.

BOOK III.

the disturber of Virginia, and far inferior in sincerity to Leisler, the contemporary agitator of New
1692. York, he was chiefly indebted for his success to the daring reliance which he placed on the influence of panic, and the extent of popular credulity. He had an unbounded confidence in the power of patient and persevering calumny, and endeavoured to impress it as a maxim on his confederates, that "if plenty of mud be thrown, some of it will undoubtedly stick."
1695. In 1695, this president of the protestant association of Maryland was indicted for treason and blasphemy; and, justly apprehending that he would be treated with less lenity under the protestant, than he had formerly experienced under the catholic administration, he declined to stand a trial, and fled for ever from the province which he had contributed so signally to dishonour [9].

Establishment of the church of England, and persecution of the catholics.

The suspension of the proprietary government was accompanied with a total subversion of the principles on which its administration had been uniformly conducted. The political equality of religious sects was subverted, and the universal toleration of every form of christian worship abolished. The church of England was declared to be the established ecclesiastical constitution of the state; and an act passed in the year 1692 having divided the several counties into parishes, a legal maintenance was assigned to a minister of this communion in every one of these parishes, consisting of a glebe, and of an annual tribute of forty pounds of tobacco from every christian male, and every male or female negro above sixteen years of age. The appointment of the ministers was vested in the governor, and the management of

[9] Oldmixon, vol. i. p. 193. Chalmers, p. 248. 374. 383, 384. Among other expressions that Coode's indictment laid to his charge, under the count of blasphemy, he was accused of having said "that there was no religion but what was in Tully's Offices." To make these words the more intelligible, the indictment illustrated them by this innuendo, "that they were spoken of *one Tully*, a Roman orator, meaning."

parochial affairs in vestries elected by the protestant inhabitants. For the better instruction of the people, free-schools and public libraries were established by law in all the parishes, and an ample collection of books was presented to the libraries as a commencement of their literary stock, by the bishop of London. But notwithstanding all these encouragements to the cultivation of knowledge, and the rapid increase of her wealth and population, it was not till after her separation from the parent state, that any considerable academy or college was formed in Maryland. All protestant dissenters were declared to be entitled to the full benefit of the act of toleration passed in the commencement of William and Mary's reign by the English parliament. But this grace was strictly withheld from the Roman catholics; and the protestants who thus enacted toleration to themselves, with the most impudent injustice and unchristian cruelty, denied it to the men by whose toleration they themselves had been permitted to gain an establishment in the province. Sanctioned by the authority, and instructed by the example of the British government, the legislature of Maryland proceeded, by the most tyrannical persecution of the catholics, to fortify and disgrace the protestant ascendancy. Not only were these unfortunate victims of a conscience, which the actions of their opponents contributed additionally to mislead, excluded from all participation in political privileges, but they were debarred from the exercise of their worship and the advantages of education. By an act passed in the year 1704, and renewed in the year 1715, it was provided that any catholic priest attempting to convert a protestant, should be punished with fine and imprisonment; and that the celebration of mass, or the education of youth by a papist, should be punished by transportation of the offending priest or teacher

BOOK III.

to England, that he might there undergo the penalties which the English statutes inflicted on such actions. Thus in their eagerness to deprive others of their liberty, the protestants of Maryland truly subverted their own pretension to independent legislation. They maintained that the statutes of the English parliament did not necessarily extend to Maryland; and in conformity with this supposition, we find an act of assembly in the year 1706, giving to certain English acts of parliament the force of law within the province. But it was manifestly inconsistent with this pretended independence, to declare any of the colonists amenable to the peculiar jurisprudence of England, for actions committed in the province and not punishable there. Though laws thus unjust and oppressive were enacted, it was found impossible to carry them into complete execution. Shortly after the act of 1704 was passed, the assembly judged it expedient to suspend its enforcement so far as to admit of catholic priests performing their functions in private houses; and the act of 1714 was suspended in a similar manner, in consequence of an express mandate to the assembly from Queen Anne[1].

Thus were the catholics of Maryland, under the pretence of vices which none realized more completely than their persecutors, deprived of those privileges, which for more than half a century they had enjoyed with unparalleled moderation. In addition to the other odious features of the treatment they experienced, there was a shameful violation of national faith in suffering protestant persecution to follow them into the asylum from its severity which they had been encouraged to seek, and with laborious virtue had established. Sensible of this injustice, or rather perhaps willing to induce the catholics whom

[1] Acts of the Assembly of Maryland, from 1692 to 1715.

they were determined not to tolerate at home to expatriate to Maryland, the British government continued from time to time to set bounds to the exercise of that colonial bigotry which its own example had excited, and its own authority still maintained.

Before the overthrow of the catholic church in Maryland, its clergy had signalized themselves by some attempts to convert the Indians to the christian faith; but their endeavours are represented as having been neither judicious nor successful. Eager to prevail on the savages to receive the formalities, before they were impressed with the substance of christian doctrine, they are said to have administered the rite of baptism to persons who understood it so little, that they considered their acceptance of it as a favour they had done to the missionaries in return for the presents they received from them, and used to threaten to renounce their baptism unless these presents were repeated [2]. But if the catholics of Maryland were chargeable with a superstitious forwardness to administer this rite, some of their protestant fellow-colonists evinced a sentiment tenfold more inexcusable, in their determination to withhold it. An act of assembly passed in the year 1715 declared that many people refused to permit their slaves to be baptized, in consequence of an apprehension that baptism would entitle them to their freedom; and accordingly, to overcome their reluctance, enacted that no negro receiving the holy sacrament of baptism, should derive therefrom any right or claim to be made free [3]. It was the peculiar unhappiness of the lot of the Maryland protestants, that it surrounded them at once with catholics, whom they were incited to persecute, and with slaves whom they were enabled to oppress: and it was not till some time after the

[2] Neal's New England, vol. i. p. 265.
[3] Acts of the Maryland Assembly, from 1692 to 1715.

BOOK III.

Revolution of 1688, that they began to show more genuine fruits of the tenets they professed, than the persecution of those who differed from them in religious opinion[4].

State of the province, manners, laws.

At the close of the seventeenth century, the population of Maryland amounted to thirty thousand persons; and whether from superiority of soil or industry, or from the absence of laws restrictive of cultivation, this province is said to have exported at least as much tobacco as the older and more populous province of Virginia. At a later period, a law was passed, prohibiting the cultivation on any estate of a greater quantity than six thousand plants of tobacco for every taxable individual upon the estate. Maryland was the first of the provinces in which the right of private property was from the beginning recognised in its fullest extent; and community of possessions had never even a temporary establishment. This peculiarity, it is probable, contributed to promote the peculiar industry by which this people have been distinguished. In the year 1699, Annapolis was substituted for St. Mary's as the capital of the province: but the same causes that prevented the growth of towns in Virginia, also repressed them in Maryland. There were few merchants or shopkeepers who were not also planters; and it was the custom for every man to maintain on his plantation a store for supplying the usual accommodations of shops to his family, servants, and slaves[5]. Living dispersed over the province, and remote from each other, the effects of their comparative solitude are said to have been visible in the countenance, manners, and apparel of the great body of the planters; their aspect expressing less cheerfulness, their demeanour

[4] Oldmixon, vol. i. p. 194, 195.

[5] Ibid. vol. i. p. 203, 204. History of the British Dominions in America, B. VI. cap. 1, 3.

less vivacity, their dress less attention to neatness, and their whole exterior less *urbanity*, than were found in those colonies where cities engendered and diffused the elegant virtue to which they have given a name. But even those who have reproached them with this defect have not failed to recognize a more respectable characteristic of their situation, in that hospitality by which they were universally distinguished[6]. At a later period, the towns of Maryland seemed to acquire a sudden principle of increase; and Baltimore, in particular, has grown with a rapidity unexampled even in the United States. In none of the provinces, have the effects of a wise or illiberal system of government been more plainly apparent than in Maryland. For nearly a century after the British Revolution, difference in religious opinion was made the source of animosity and oppression; and during all that period not one considerable seminary of learning arose in the province. Within a few years after the return of equal laws and universal toleration, with the establishment of American independence, the varieties of doctrinal opinion among the people served but to illustrate religious charity; numerous colleges and academies were founded; and the same people among whom persecution had lingered longest, became distinguished for a remarkable degree of courteous kindness and generous compassion[7].

During the suspension of the proprietary government, the legislature of the province consisted of three branches; after its revival, of four: the proprietary, the governor, the council, and the burgesses. The proprietary, besides a large domain cultivated

[6] Winterbotham's America, vol. iii. p. 42. "That pride which grows on slavery, and is habitual to those who from their infancy are taught to believe and feel their superiority, is a visible characteristic of the inhabitants of Maryland." Ibid.

[7] Warden's Account of the United States, vol. ii. p. 144. 156—8.

BOOK III.

by himself, enjoyed a quit rent of two shillings sterling yearly for every hundred acres of appropriated land. This was increased at an after period to four shillings in some districts; and an unsuccessful attempt was made to raise it as high as ten shillings. The proprietaries had received but too little encouragement to rely on the stability of that gratitude which had been acquired by their original moderation. The salaries of the governor and deputy-governor consisted of official fees, and a tax on exported tobacco, enacted to them successively on their appointment to office, and proportioned to their popularity. The council consisted of twelve persons, appointed by the proprietary, and, during the abeyance of his political rights, by the royal governor; each of whom received, during the session of the assembly, an allowance of one hundred and eighty pounds of tobacco daily from the province. The house of representatives or burgesses consisted of four members from each of the counties, and two from the capital; the daily allowance to each of them being one hundred and sixty pounds of tobacco. From the decisions of the provincial courts, in all cases involving property to the amount of £300, an appeal was admitted to the king in council. The office of the select men in New England was performed in Maryland by the parochial vestries, which engrossed the management of all the public affairs of their districts, and soon underwent a remarkable abatement of the popular form of their original constitution; for though at first elected by the inhabitants, they held their office for life, and very early assumed the privilege of supplying vacancies in their own number by the election of the survivors[8]. In the year 1704, it was provided by "An act for the advancement of the natives and residents of this province," that no office of trust, except those that

[8] Hist. of the British Dominions in America, B. VI. cap. 2.

were conferred by immediate commission from the crown, could be held by any person who had not previously resided three years in the colony[9].

The situation of slaves and of indented servants appears to have been very much the same in Maryland as in Virginia. Any white woman, whether a servant or free, becoming pregnant from the embrace of a negro, whether a slave or free, was punished with a servitude of seven years; and the children of "such unnatural and inordinate connexions," were doomed to servitude till they should attain the age of thirty-one. A white man begetting a child by a negress, was subjected to the same penalty as a white woman committing the corresponding offence[1]. An indented servant, at the expiration of his servitude, was entitled to demand a liberal allowance of various useful commodities from his master, some of which he was prohibited, under a penalty, from selling for twelve months after his liberation[2]. A tax was imposed on the importation of servants from Ireland, "to prevent the importing too great a number of Irish papists into this province[3]."

To prevent the evasion of provincial debts or other obligations by flight to England, or to the other American states, all persons preparing to leave the colony were required to give public intimation of their departure, and obtain a formal passport from the municipal authorities[4]. An act was passed in the year 1698, investing a large tract of land in Dorchester county, in two Indian kings, who, with their subjects, were to hold it as a fief from the proprietary, and to pay for it a yearly rent of one bear skin. In common with the other colonies, Maryland was much infested by wolves; and so late as the year 1715,[a]

[9] Acts of Assembly from 1692 to 1715, No. 28.
[1] Ibid. No. 77 (1715). [2] Ibid. No. 77.
[3] Ibid. No. 63. [4] Ibid. No. 67.

BOOK III.

former act was renewed, offering "*the sum* of three hundred pounds of tobacco" as a reward for every wolf's head that should be brought by any colonist or Indian to a justice of the peace[5]. An act proposing a similar recompense, had been passed in Virginia; but it was repealed in the year 1666.

5 Acts of Assembly from 1692 to 1715, No. 44.

BOOK IV.

NORTH AND SOUTH CAROLINA.

BOOK IV.

NORTH AND SOUTH CAROLINA.

CHAPTER I.

Early Attempts of the Spaniards and the French to colonize this Territory.—First Charter of Carolina granted by Charles the Second to Lord Clarendon and others.—Formation of Albemarle Settlement in North Carolina.—Settlement of Ashley River in South Carolina.—Second Charter of the whole United Province.—Proceedings at Albemarle.—The Proprietaries enact the fundamental Constitutions of Carolina.—Expedition of Emigrants to South Carolina.—John Locke created a Landgrave.—Hostilities with the Spaniards in Florida—and with the Indians.—Disputes between the Proprietaries and the Colonists.—Culpepper's Insurrection in North Carolina.—He is tried in England—and acquitted.—Discord among the Colonists.—Sothel's tyrannical Administration.—He is deposed.

We have seen New England colonized by puritans exiled by royal and episcopal tyranny; Virginia replenished by cavalier and episcopal fugitives from republican triumph and puritan ascendancy; and Maryland founded by catholics retiring from protestant intolerance. By a singular coincidence, the settlement whose history we now proceed to examine, originally seemed to have been destined to complete this series of revolutionary persecution; and if the first colonists who were planted in it had been able to maintain their establishment, Carolina would have

BOOK IV.

been peopled by Hugonots flying from catholic bigotry [1].

Early attempts of the Spaniards and the French to colonise this territory.

This territory has been the subject of a variety of pretensions, and distinguished at successive periods by a variety of names. The claim of England to the first discovery of it was disputed by the Spaniards, who maintained that Cabot never proceeded so far to the south, and that it had been yet unvisited by any European, when Ponce de Leon, the Spanish governor of Porto Rico, arrived on its shores, as he was
1512. sailing in quest of a land which was reported to contain a fountain endowed with the miraculous power of restoring the bloom and vigour of youth to age and decrepitude. Believing that he had now attained the favoured region, he hastened to take possession, in his sovereign's name, of so rare and valuable an acquisition. He bestowed on it the name of Florida, either on account of the vernal beauty that adorned its surface, or because he discovered it on the Sunday before Easter, which the Spaniards call *Pasqua de Flores:* but though he chilled his aged frame by bathing in every stream or fountain that he could find, he had the mortification of returning an older instead of a younger man to Porto Rico. A few years afterwards, another Spanish officer, who was sent to make a more minute inspection of the territory supposed to have been thus newly discovered, performed an exploit but too congenial with the cotemporary achievements of his countrymen, in kidnapping a considerable body of the natives, whom he carried away into bondage. Some researches for gold and silver, undertaken shortly after by succeeding adventurers of the same nation, having terminated

[1] At a later period we have seen the descendants of one of the most illustrious people of antiquity seeking a refuge in America from Turkish oppression. In the latter part of the eighteenth century, Sir William Duncan, an eminent English physician, conceived the project of founding a Grecian colony in North America, and actually transported, for this purpose, several hundred Greeks to East Florida. Galt's Letters from the Levant, p. 318.

unsuccessfully, the Spaniards appeared to have renounced the intention of any immediate settlement in this region, and left it to repose under the shadow of the name they had bestowed, and to remember its titular owners by their cupidity and injustice. The whole of this coast was subsequently explored with considerable accuracy by Verazzan, an Italian navigator, in the service of the French, and whom Francis the First [2] had commissioned to attempt the discovery of new territories in America for the benefit of his crown. But the colonial designs of the French government were suspended during the remainder of this reign, by the favourite game of kings, which was played with such eager and obstinate rivalry between Francis and the Emperor Charles the Fifth [3]. During succeeding reigns, they were impeded by still more fatal obstructions; and all the advantages that France might have derived from the territory explored by Verazzan and neglected by the Spaniards, was postponed to the indulgence of royal and papal bigotry in a war of extermination against the Hugunots. The advantages, however, thus neglected by the French court, were not overlooked by the objects of its persecution; and at length the determination of appropriating a part of this territory as a retreat for the French protestants, was embraced by one of their leaders, the Admiral Coligni. Two vessels which he equipped for this

CHAP. I.

1523—1525.

[2] The kings of Spain and Portugal remonstrated against the projects of Francis as a direct impugnation of ecclesiastical authority. To this remonstrance the monarch is said to have pleasantly replied, "I should be glad to see the clause in Adam's will, which makes that continent their exclusive inheritance." Raynal.

[3] A slight demonstration was made by Francis in the year 1540 of an intention to colonize a different quarter of America, by the letters patent which he then granted to Jacques Quartier for the establishment of a colony in Canada. But the French made no permanent settlement even there till the reign of Henry the Fourth. Escarbot's Hist. of New France, p. 397. Champlain's Voyage, part i. In the commission to Quartier, the territory is described as "possessed by savages, living without the knowledge of God or the use of reason." Yet Pope Paul the Third had previously by a Bull declared the American Indians to be rational creatures, possessing the nature, and entitled to the rights of men.

BOOK IV.

purpose were accordingly despatched with a body of protestant emigrants to America, who landed at the
1562. mouth of Albemarle river, and in honour of their sovereign (Charles the Ninth), gave the country the name of Carolina; a name which, by a singular coincidence, the English, after obliterating, were destined to revive. Though these colonists had only to announce themselves as strangers to the faith and the name of the Spaniards, in order to secure the most friendly reception from the Indians, they suffered so many privations in their new settlement, from the inability of the admiral to furnish them with adequate supplies, that, after a short residence in America, they were compelled to return to France. A treacherous pacification having been effected, meanwhile, between the French court and the protestants, Coligni employed the interval of repose, and the unwonted favour that he seemingly enjoyed with the king, in providing a refuge for his party from that tempest, which, though unhappily for himself, he did not clearly foresee, his experience and sagacity yet induced him to anticipate. Three ships, equipped by the king, and carrying out another detachment of
1564. Hugunots, were again despatched to Carolina, and followed soon after by a more numerous fleet with additional settlers, and an ample supply of arms and provisions. The assistance which the king of France thus vouchsafed to the Hugunots, reminds us of the similar policy by which Charles the First promoted, in the following century, the departure of the puritans from England. The French monarch was a little more liberal than the English, in the aid which he granted; but he was infinitely more perfidious and cruel in the design which he truly entertained. Befriended by the Indians, and vigorously applying themselves to the cultivation of their territory, the colonists had begun to enjoy the prospect of a per-

manent and happy establishment in Carolina, when they were suddenly attacked by a force despatched against them by the king of Spain. The commander of the Spanish troops having first induced them to surrender as Frenchmen, put them all to the sword as heretics; announcing by a placard, erected at the place of execution, that this butchery *was not inflicted on them as subjects of France but as followers of Luther.* Nearly a thousand French protestants were involved in this massacre; and only one soldier escaped to carry tidings to France, which charity does not oblige us to believe communicated any surprise to the projectors of the league of Bayonne and the massacre of St. Bartholomew. Though the colony had been planted with the approbation of the French court, and peace subsisted at the time between France and Spain, the assault and extirpation of the colonists produced no demonstration of resentment from the French government, and would have been totally unavenged in this world, if De Gorgues, a French nobleman, incensed by such wickedness, had not determined to vindicate the cause of justice and the honour of his country. Having fitted out three ships at his own expense, he set sail for Carolina, where the Spaniards, in careless security, possessed the fort and settlement which they had acquired by the murder of his countrymen. He easily obtained the zealous co-operation of the Indians, and with their assistance overpowered and slew all the Spaniards who resisted his enterprise, and hanged all whom he made prisoners on the nearest trees; erecting, in his turn, a placard which announced, that this execution *was not inflicted on them as Spaniards but as murderers and robbers.* Having thus accomplished his purposed vengeance, he returned to France; first destroying every trace of the settlement which neither

CHAP. I.

1567.

BOOK IV.

Frenchmen nor Spaniards were destined ever again to occupy.[4]. Religious disputes excited a much greater degree of mutual hatred and of public confusion in France than in England, and were proportionally unfavourable to French colonization. Canada, which was the first permanent occupation of the French in America, was not colonized till six years after Henry the Fourth had issued the celebrated edict of Nantes.

About eighteen years after the expulsion of the French colony of Coligni, there was settled in the isle of Roanoak, in the same territory, the first plantation effected by Raleigh, of whose enterprises I have given an account in the history of Virginia. There was an analogy between the fortunes of their colonial settlements, as well as between the personal destinies of Coligni and Raleigh; and transient as it proved, it was still the most lasting trace of his exertions witnessed by Raleigh, that the name of the country was changed by the English from Carolina to Virginia—a name of which we have already traced the final application and peculiar history[5]. Even the subsequent colonial efforts of England did not extend to this territory, till the year 1622, when several English families, flying from the massacres of the

[4] L'Escarbot's Hist. of New France, 225. 401. Oldmixon, i. 327—329. Hewit's Account of South Carolina and Georgia, i. 18—20. Williamson's History of North Carolina, cap. 1. The French, however, retained their pretensions to the country. D'Aubigny, the father of Madame Maintenon, having formed the purpose of establishing himself in Carolina, found he had incurred the serious displeasure of the French court for having solicited a grant from the English government. Voltaire's Age of Louis the Fourteenth, cap. 26. Voltaire is mistaken in supposing that the future queen of France received her early education in Carolina, where as yet there were none but savage inhabitants. It was to Martinique that her father actually removed himself and his family, and whence, at the age of twelve years, this extraordinary woman returned to become the queen of a country where she had been born in a prison. Memoires et Lettres de Maintenon, vol. i. Vie de M. Maintenon, 13.

[5] The denomination which he had bestowed in honour of himself on a projected town (see *ante*, B. I. cap. 1.), was revived and bestowed upon an actual city, more than two hundred years after; when, by an ordinance of the legislature of North Carolina, the name of Raleigh was given to the seat of government of this province.

Indians in Virginia and New England, sought refuge within its limits, and are said to have acted the noble part of christian missionaries, with such success, that one of the Indian princes was converted from idolatry to the gospel. They suffered extreme hardship from scarcity of provisions, and were preserved from perishing by the generous contribution they received from the government of Massachusetts, whose assistance they had implored. An attempt was made to assume a jurisdiction over them by Sir Robert Heath, attorney-general to Charles the First, who obtained from his master a patent of the whole of this region by the name of *Carolana*. But as he made no attempt to execute the powers conferred on him, the patent was afterwards declared to have become void, because the conditions on which it had been granted had not been fulfilled [6]. Much collision and dispute between claimants and occupiers of colonial territory would have been prevented, if the principle of this adjudication had been more generally extended, and more steadily applied.

First charter of Carolina granted by Charles the Second to Lord Clarendon and others.

The country which so many unsuccessful attempts had been made to colonize, was indebted for its final settlement to a project formed by certain courtiers of Charles the Second for their own enrichment, but which they were pleased to ascribe to a generous desire of propagating the blessings of religion and civility in a barbarous land. An application, couched

[6] Coxe's Description of *Carolana*, Append. 109—112. Hutchinson's Hist. of Massachusetts, i. 226. Oldmixon, i. 329. Chalmers, 515. Heath had previously sold his patent to the Earl of Arundel and Surrey, who is said to have made expensive preparations for founding a colony, but was diverted from his design by a domestic calamity. Daniel Coxe, a physician in London, who, at the close of the seventeenth century, became an extensive purchaser of proprietary rights in North America, contrived, among other acquisitions, to obtain an assignation to Sir Robert Heath's patent; and maintained, with the approbation of King William's ministers, that this patent was still a valid and subsisting title, in so far as it embraced territory occupied by the Spaniards, and not included in any posterior English patent. His son (the author of the *Description*) resumed his father's claims, and made various unsuccessful attempts to colonize the territory which he persisted in denominating *Carolana*. Coxe, Preface, p. 39, and Append. p. 113—121.

BOOK IV.

1663. in these terms, having been presented to the king by eight of the most eminent persons, whose fidelity he had experienced in his exile, or whose treachery had contributed to his restoration 7, easily procured for them a grant of that extensive region, situated on the Atlantic ocean, between the thirty-sixth degree of north latitude and the river Saint Matheo. This 24 March. territory was accordingly erected into a province, by the name of Carolina, and conferred on the Lord Chancellor Clarendon, Monk Duke of Albemarle, Lord Craven, Lord Berkeley, Lord Ashley (afterwards Earl of Shaftesbury), Sir George Carteret, Sir John Colleton, and Sir William Berkeley, the governor of Virginia; *who* (as the charter set forth), *being excited with a laudable and pious zeal for the propagation of the gospel, begged a certain country in the parts of America not yet cultivated and planted, and only inhabited by some barbarous people who had no knowledge of God.* The territory was bestowed on these personages, and their heirs and assigns, as absolute lords proprietaries for ever, saving the sovereign allegiance due to the crown: and they were invested with as ample rights and jurisdictions within their American palatinate, as any bishop of Durham enjoyed within his diocese [8]. This charter, doubtless, composed by the parties themselves who received it, seems to have been copied from the prior charter of Maryland, the most liberal in the communication of privileges and powers that had ever yet been granted.

A meeting of such of the proprietaries as were in England having been held soon after, for the pur-

[7] The two persons to whom this least reputable claim of merit chiefly belonged were Shaftesbury and Monk. It proved more available to them than the more honourable services of the others. Much more than his due share of it has been ascribed to Monk, whose great service was not that he contributed signally to effect the Restoration (which, in truth, he withstood as long as he could), but that, by his artifices, the Restoration was effected without the constitutional precaution of imposing conditions on the king.

[8] Oldmixon, i. 330. Chalmers, 517.

pose of concerting measures for carrying the purposes of their charter into effect, a joint stock was formed by general contribution for transporting emigrants, and defraying other necessary expenses. At the desire of the New England settlers, who already inhabited the province, and had stationed themselves in the vicinity of Cape Fear, they published, at the same time, a document under the title of *Proposals to all that will plant in Carolina.* They proclaimed that all persons settling on Charles River to the southward of Cape Fear, and consenting to take the oath of allegiance to the king, and to recognise the proprietary government, should be entitled to continue the occupation they had assumed, and to fortify their settlement; that the settlers should present to the proprietaries a list of thirteen persons, in order that they might select from them a governor and council of six, to be appointed for three years; that an assembly, composed of the governor, council, and delegates of the freemen, should be called as soon as the circumstances of the colony would allow, with power to make laws which should be neither contrary to the laws of England, nor of any validity after the publication of the dissent of the proprietaries; that every person should enjoy the most perfect freedom in religion; that during five years every freeman should be allowed an hundred acres of land for himself and fifty for a servant, paying only an halfpenny for every acre; and that the same freedom from customs which had been conferred by the royal charter should be extended to all classes of the inhabitants[9]. Such were the original conditions on which Carolina was planted: and surely it must strike every reflecting mind with surprise, to behold a regular system of civil and religious freedom thus enacted as the basis of the colonial institutions by the same statesmen, who, in

CHAP. I. 1663.

[9] Chalmers, 517, 518.

BOOK IV. 1663.

the parent country, had framed the intolerant *act of uniformity*, and were enforcing it with the most relentless severity. While they silenced such teachers as John Owen, and filled the prisons of England with such victims as Baxter, Bunyan, and Alleine, they offered freedom and encouragement to every variety of opinion in Carolina: thus forcibly impeaching the wisdom and good faith of their domestic administration by the avowal which their colonial policy manifestly implies, that diversities of opinion and worship may peaceably co-exist in the same society, and that implicit toleration is the surest political means of making a commonwealth flourish, and a country appear desirable to its inhabitants. It is humiliating to observe a man like Lord Clarendon realize, in conformity with his private interest, the truth which his large experience and powerful understanding were insufficient to induce him, as an English statesman, to embrace.

Formation of Albemarle settlement in North Carolina.

Besides the settlers from New England who were seated at Cape Fear, there was another small body of inhabitants already established in a different quarter of the proprietary domains. In the history of Virginia, we have seen that, as early as the year 1609, Captain Smith judged it expedient, for political reasons, to remove a portion of the Virginian colonists to a distance from the main body at James Town. With this view he despatched a small party to form a plantation at Nansemond, the most southern settlement of Virginia, where, notwithstanding the formidable obstructions they encountered from the hostility of the natives, they succeeded in maintaining and extending their establishment. As the Indians receded from the vicinity of these intruders, the planters naturally followed their tracks, extending their plantations into the bosom of the wilderness: and as their numbers increased, and the most eligible

situations were occupied, they traversed the forests in quest of others, till they reached the streams, which, instead of discharging their waters into the Chesapeake, pursued a south-eastern course, and flowed into the ocean. Their numbers are said to have been augmented, and their progress impelled by the intolerant laws that were enacted in Virginia against sectarians of every denomination. At the epoch of the Carolina charter of 1663, a small plantation had been accordingly for some years established within its boundaries, on the north-eastern shores of the river Chowan, which now received the name of Albemarle, in compliment to the title by which General Monk's services had been rewarded. Notwithstanding the opinion of an intelligent historian of North Carolina, I can see no reason to believe that the planters of Albemarle were composed entirely or even generally of exiles for conscience sake: yet that a number of conscientious men had mingled with them may be inferred from the fact, that they purchased their lands at an equitable price from the aboriginal inhabitants. Remote from the seat of the Virginian government, they yielded little obedience to its authority, and for some time had lived without any perceivable rule; when at length the governor of Virginia assumed, in a new capacity, a stricter and more legitimate superintendence of their affairs. In September, 1663, Sir William Berkeley was empowered by the other proprietaries to nominate a governor and a council of six, who were authorised to rule this little community according to the powers granted by the royal charter; to confirm former possessions, and to grant lands to every one, allowing them three years to pay the quit rents; to make laws, with the consent of the delegates of the freemen, transmitting them for the approbation of the proprietaries. Berkeley was requested to visit the colony, and to employ skilful

CHAP. I. 1663.

BOOK IV.

1664.

persons to explore its bays, rivers, and shores; a duty which he performed in the following year. Having confirmed and granted lands to the settlers, in conformity with his instructions, he appointed Drummond, a man of sufficient prudence and abilities, their first governor, and then returned to Virginia, leaving them all to follow their various pursuits in peace. The colonists for some time continued perfectly satisfied with an arrangement that seemed rather to secure than impair the advantages of their former condition; but as the day approached when the payment of quit-rents was to commence, they began to manifest no small dissatisfaction with the tenures by which they held their lands. In the year 1666 they constituted an assembly, probably the first that was ever held in Carolina, and from this body a petition was transmitted to the proprietaries, desiring that the people of Albemarle might hold their possessions on the same terms that were enjoyed by the people of Virginia. The proprietaries, who were exceedingly solicitous to promote the population of the province, and to avoid every proceeding that might discourage the resort of settlers, readily acceded to this request, and commanded the governor in future to grant the lands on the terms that had been prescribed by the colonists themselves. Notwithstanding the apostolical views which the proprietaries had professed, not the slightest attempt was made to provide for the spiritual instruction of the colonists, or the conversion of the Indians; and the colony continued for a series of years to be conducted without even the semblance of religious worship [1].

The proprietaries having thus endeavoured to rear and organise the feeble settlement of Albemarle, directed their chief regard to the finer region that extends along the more southerly coast. Having

1 Chalmers, 519, 520. 553—555. Williamson, vol. i. p. 82. 92, 93.

caused a survey to be made of these shores, by a vessel which they despatched from Virginia, for the purpose of ascertaining what rivers and countries were the most proper for habitation, they proposed, among other projected settlements, to establish a new colony to the southward of Cape Fear, along the banks of the river Charles, in the district which was now denominated the county of Clarendon. Several gentlemen of Barbadoes, dissatisfied with their present condition, and desiring to become the heads of a less considerable establishment, had for some time projected to remove themselves to this region, and now submitted a proposition to that effect to the proprietaries: and though their first demands of being invested with a district thirty-two miles square, and all the powers of a corporation within themselves, were refused by the proprietaries, their application, on the whole, received so much encouragement as determined them to undertake the migration. In furtherance of a project so agreeable to their wishes, the proprietaries bestowed on John Yeamans, a respectable planter of Barbadoes, and the son of a man who had lost his life in the king's service during the civil wars, the appointment of commander-in-chief of Clarendon county, stretching from Cape Fear to the river Saint Matheo, and obtained for him, at the same time, the rank of a baronet, partly in recompense of the loyalty of his family, and partly in order to give weight to his station, and some appearance of splendour to the colonial establishment. The same powers were now conferred, and the same constitution established, as those which had given contentment to the inhabitants of Albemarle; and Yeamans was particularly directed to "make every thing easy to the people of New England," from which the proprietaries declared that they expected more copious emigrations to Carolina than from any of the other colonies. This expecta-

CHAP. VI. 1664.

Settlements in South Carolina.

January, 1665.

BOOK IV. 1665.

tion, more creditable to their discernment than to their integrity, was obviously derived from the intolerance which yet lingered in New England, and the effects of which were thus distinctly recognised, and deliberately anticipated, by the same persons who indulged in it so unreservedly in the parent state. An order was made at the same time by the proprietaries, that the commission of Yeamans should not prevent the appointment of another governor, for a new settlement which was projected in a district to the southward of Cape Romain, and which acquired soon after the name of Carteret. The policy which the proprietaries were thus pursuing, in the establishment of a variety of separate and independent colonies in Carolina, each of which had its own distinct assembly, customs, and laws, supplied them at a future period with ample cause of regret, and contributed to the prolonged feebleness and distractions by which this province was unhappily distinguished. Meanwhile, however, their proceedings were regarded with approbation by the king, who presented them with twelve pieces of ordnance, which were despatched to Charles River, along with a considerable quantity of military stores [2].

Second charter of the whole united province.

Having now obtained the most minute information of the whole coast of Carolina, and discovered, on both extremes of their territory, considerable tracts of land that would form very desirable accessions to it, the proprietaries easily obtained from their sovereign a gift of these additional possessions. A second

June.

charter, which was accordingly executed in their favour, recited and confirmed the former grant, and gave renewed assurance and commendation of "*the pious and noble purpose*" under which these insatiable courtiers judged it decent to cloak their ambition or rapacity. It granted, to the same patentees,

[2] Hewit, i. 52, 53. Chalmers, 520, 521.

that province situated within the king's dominions in America extending north-eastward to Carahtuke inlet, and thence in a straight line to Wyonoke, which lies under the 36th degree and 30th minute of north latitude, south-westward to the 29th degree; and from the ocean to the South Seas. They were vested with all the rights, jurisdictions, and royalties, which the bishop of Durham ever possessed, and were to hold the territory as a feudal dependance of the manor of East Greenwich, paying a rent of twenty marks, and one-fourth of the gold and silver that should be found within it. All persons, except those who should be specially forbidden, were allowed to transport themselves to Carolina; and they and their children were declared to be denizens of England, who should always be considered as the same people, and possess the same privileges, as those dwelling within the realm. They were empowered to trade in all commodities which were not prohibited by the statutes of England: They were authorised to lade the productions of the province, and to bring them into England, Scotland, or Ireland; paying the same duties as other subjects: And they were exempted, for seven years, from the payment of customs, on the importation, into any of the dominions of the crown, of wines and other enumerated products of the colony. The proprietaries were enabled to make laws for the province, with the consent of the freemen or their delegates; under the general condition that they should be reasonable, and as nearly conformed as might be to the jurisprudence of England. They were empowered to erect ports for the convenience of commerce, and to appropriate such customs as should be imposed by the assembly. They were allowed to create an order of nobility, by conferring titles of honour, differing, however, in style, from the titles conferred on the people of England. Carolina was

CHAP. VI. 1665.

BOOK IV.

1665.

declared independent of any other province, but subject immediately to the crown; and the inhabitants were not compellable to answer to any cause or suit in any other part of his majesty's dominions, except within the realm. The proprietaries were authorised to grant indulgences to those who might be prevented by conscientious scruples from conforming to the Church of England; to the end that all persons might have liberty to enjoy their own judgments and consciences in religious concerns, provided they disturbed not the civil order and peace of the province [3]. Such is the tenor of the last of the Carolina charters, which conferred on the noble grantees a territory of vast extent, and rights which it is not easy to discriminate from royalty. By a strange anomaly, the king, in divesting himself, as it were, of a part of his dominions, in behalf of a junto of his ministers, was made to recommend to their observance a system of ecclesiastical policy diametrically opposite to the intolerance which, at the very time, the counsels of these persons were breathing into his own administration. As Clarendon still held the office of Lord Chancellor, this charter, as well as the former, in favour of himself and his colleagues, was sealed by his own hands: and when we consider how liberally it endowed the proprietaries with privileges, at the expense of the prerogative of the crown, it seems the less surprising that he should not have suggested a similar objection to the charters which Connecticut and Rhode Island obtained while the great seal was in his keeping. The arbitrary commission for Massachusetts, which we have seen him defend, shows that he entertained no general design

[3] Lawson's Hist. of Carolina, 239—254. Williamson, i. 230, &c. The second charter of Carolina is printed in both these works at full length. Of the first, the only complete transcript I have seen occurs in a small collection of Carolina papers printed at London, without any date, but apparently about the end of the seventeenth century. There are copies of it in the British Museum, in the library of Gottingen, and in the library of the late George Chalmers.

of abridging the royal prerogative in the colonial dominions. CHAP. I.

Animated by this fresh acquisition, the proprietaries exerted themselves, for several years, to attract adventurers from Scotland, Ireland, the West Indies, and the northern colonies; but, notwithstanding all their endeavours, their province, partly from the unhealthiness of the climate, but chiefly from the state of dispersion in which the settlers chose to live, advanced but slowly in population and power. In the autumn of this year, the emigrants from Barbadoes, conducted by Sir John Yeamans, arrived at length at their place of destination, on the southern bank of the river of Cape Fear, where they had previously fortified their legal title from the proprietaries by an equitable purchase of the territory from the neighbouring Indians. While they were employed in the first rude toils that were requisite for their establishment in the wilderness which they had undertaken to subdue, their leader ruled them with the gentleness of a parent, and cultivated the good will of the aborigines so successfully, that for some years they were enabled to prosecute their labours without danger or distraction. While the planters opened the forest, to make room for the operations of tillage, they necessarily prepared timber for the uses of the cooper and builder, which they transmitted to the colony whence they had emigrated; a commencement of a commerce which, however feeble, served to kindle their hopes and sustain their industry [4]. 1665.

The inhabitants of Albemarle continued, meanwhile, to pursue their original employments in peace; and from the cultivation of tobacco and Indian corn, obtained the materials of an inconsiderable traffic with the merchant vessels of New England. About two years after the acquisition of their second charter, Proceedings at Albemarle. Oct. 1667.

[4] Chalmers, p. 523. Williamson, vol. i. p. 97.

BOOK IV. 1667. the proprietaries appointed Samuel Stevens, a man whose virtues and abilities were judged equal to the trust, to succeed Drummond as governor of Albemarle; and at the same time bestowed on this settlement a constitution which, had it been faithfully maintained, would have greatly promoted the contentment and prosperity of the people. Stevens was commanded to act altogether by the advice of a council of twelve, the one half of which he was himself to appoint, and the other six to be chosen by the assembly. This was an approach to a principle disallowed entirely in Virginia and Maryland, but realized still more perfectly in the New England governments, and by which the democracy were admitted to a share in composing and controlling that body, which in the colonial constitutions formed equally the senatorial or aristocratical branch of the legislature, the privy council of the supreme magistrate, and the court of appeals. The assembly was to be composed of the governor, the council, and a body of delegates, annually chosen by the freeholders. The legislature, in which democratic interests were admitted thus strongly to preponderate, was invested not only with the power of making laws, but with a considerable share of the executive authority; with the right of convoking and adjourning itself, of appointing officers, and of presenting to churches. Various regulations provided for the security of property; and in particular it was announced that no taxes should be imposed without the consent of the assembly; and the lands were confirmed and granted as now holden by the free tenure of soccage. Perfect freedom in religion was offered to a people who were very willing to accept the freedom without concerning themselves in any way about religion; and all men were declared to be entitled to equal privileges, upon taking

the oath of allegiance to the king, and of fidelity to the proprietaries. As we have but too much reason to suppose that the proprietaries had no sincere intention of preserving the constitution which they thus offered to establish, it is due to the character of Lord Clarendon to remark, that he had no share whatever in this transaction; his impeachment and exile having previously sequestrated him from all farther concern with the government of Carolina. The system, however, which was now tendered to their acceptance, was received by the inhabitants of Albemarle with perfect satisfaction: gratitude, perhaps, it would have been unreasonable to expect towards proprietaries who had no way contributed to their establishment in the province, but had followed them into the desert with the obvious intent of reaping where they had not sown, and congregating a scattered flock in order to shear it the more effectually. It was not till two years after, that an assembly constituted on this new model was convened to enact laws for men, who being yet few in number, seem to have been governed chiefly by the customs they had brought with them from their ancient establishment. Their first efforts in legislation were strongly marked with the character of persons who had been long accustomed to live remote from the energy of government, and to shift their residence whenever it became disagreeable, instead of seeking to alter and improve its circumstances. From the numbers of persons of broken fortunes who resorted to the colonies, and from the conviction that was early and most justly entertained by the colonists, that their industry was fettered, and their profits impaired, by the legislature of England, for the benefit of her own resident subjects, a defensive, or perhaps retributory spirit, was too readily adopted by the colonial legislatures; and if not an universal,

CHAP. I.

1667.

1669.

BOOK IV. 1669.

it was at least a general principle of their policy to obstruct the recovery of debts. Of this disposition we have already seen some traces, about this period of time, in the legislation of Virginia. By the assembly that was now convened at Albemarle, it was declared that sufficient encouragement had not yet been afforded to the resort of settlers and the peopling of the province; and to supply this defect it was now enacted that none should be sued during five years after his arrival in the country for any cause of action arising beyond its limits; and that none of the inhabitants should accept a power of attorney to recover debts contracted abroad [5]. These complaints of fewness of people continued long to be reiterated by the settlers of Carolina; though it was afterwards very justly recriminated upon them by the proprietaries, that the inconvenience they complained of was promoted by their own aversion to settle in towns, and by the lazy rapacity with which each desired to surround himself with a large expanse of property, over the greater part of which he could exercise no other act of ownership than that of excluding the occupants by whom it might be advantageously cultivated. The remedy, too, seems to be defective in policy, no less than in justice. If industry might be expected to derive some encouragement, from the assurance that its gains were not to be carried off by former creditors in a distant country, the nature of this encouragement, as well as its temporary endurance, tended to attract neither a respectable nor a stable population: and accordingly this colony was long considered as the refuge of the criminal and the asylum of the fugitive debtor.

[5] The same policy was pursued to a much greater extent by the ancient Romans, of whom Plutarch informs us that "not long after the first foundation of the city, they opened a sanctuary of refuge for all fugitives, which they called the temple of the god *Asylaeus*, where they received and protected all, delivering back neither the servant to his master, the debtor to his creditors, nor the murderer into the hands of the magistrate." Life of Romulus.

But a more proper and natural mode of promoting population was at the same time established, by an act concerning marriage; by which it was provided that as people might wish to marry, and as yet there were no ministers in the colony, in order that none might be hindered from a work so necessary to the preservation of mankind, any two persons carrying before the governor and council a few of their neighbours, and declaring their mutual purpose to unite in matrimony, should be deemed husband and wife. The circumstances indicated by this law forcibly suggest the wide distinction between the sentiments and habits of the northern and the southern colonists of America. While all the colonial establishments of New England were conducted by clergymen, who long directed with almost equal authority in temporal and in spiritual concerns; not a trace of the existence of such an order of men is to be found in the laws of Carolina, during the first twenty years of its history; and it was not till the dissenters had emigrated thither in considerable numbers, that we hear of religious controversy, or indeed of any thing connected with religion in the province. Other regulations besides those which we have already noticed were adopted by this assembly. New settlers were exempted from taxes for a year; and every one was restrained from transferring his lands for two years. The first of these laws was intended to invite settlers; the second appears to have been a politic device to detain them. A duty of thirty pounds of tobacco was imposed on every lawsuit [6], in order to provide

[6] It is remarkable that the Carolinians, who thus obstructed by a tax the legal adjustment of disputes, have always been more addicted to duelling than the inhabitants of any of the other states. In Connecticut, according to the representation of Dr. Morse, there is more litigation than in any other quarter of North America: but a duel was never known to occur in Connecticut. Warden, vol. ii. p. 11. In most of the provinces, legal controversy was promoted by the uncertainty of the law: for although a substantial conformity was prescribed between the colonial jurisprudence, and the common and statute law of Eng-

BOOK IV.

1669. the funds requisite for the expenses of the governor and council during the sitting of assemblies; no course having yet been taken (says the act) for defraying their charges. These laws, which proclaim the weakness, and illustrate the early policy of this inconsiderable settlement, were ratified in the following year by the proprietaries. As the colonists received little augmentation from abroad, their numbers increased but slowly; and it was not till sometime after this period, that they extended their plantations to the southern bank of the river Albemarle[7].

But although the proprietaries were willing to tender every concession, and encourage every hope that seemed calculated to fix or augment the inhabitants of Carolina, it was not for the purpose of founding and superintending institutions so homely and popular, that they had solicited the extraordinary privileges which their charters conferred. Their ambition aimed at making Carolina a theatre for the exercise of all that grandeur, and the display of all those distinctions, that have ever been known to co-exist with the forms of liberty; and the plumage which they had stripped from the royal prerogative, it was their intention to employ for the illustration of their own dignity, and the decoration of their provincial organs and institutions. With this view, about a year before they ratified the enactments of

March 18. the assembly of Albemarle, they had subscribed that

land, the ascertainment of the precise extent of this conformity in every case was committed to the discretion of the judges. Smith's New York, p. 316, 317.

[7] Chalmers, p. 524—526. 558. Williamson, vol. i. cap. 4.

[8] This is the date assigned to the instrument by Oldmixon, by Williamson, and by the anonymous author of the History of the British Dominions in North America. It is the date also attached to the 120th article of the constitutions in the copy of them inserted in Locke's works. Chalmers dates the instrument in July of the same year: but it appears from the illustrations appended to this portion of his work, that there were two editions of the instrument; and I suppose he has referred, in his notation of the date, to the second edition, in which the proprietaries are reproached with having introduced some changes derogatory to the liberties defined in the first.

memorable instrument which bears the name of *the fundamental constitutions of Carolina*, and the preamble of which assigns as the reason for its adoption, "that the government of this province may be made most agreeable to the monarchy under which we live; and that we may avoid erecting a numerous democracy." The task of composing this political frame was devolved upon Shaftesbury by the unanimous consent of his colleagues, all of whom were strongly impressed with the resources of his capacity and the depth of his penetration, and some of whom had experienced, in the intrigues that preceded the Restoration, with what consummate dexterity he could effect his own purpose, and appropriate the instrumentality even of those who were not less able than interested to resist it. The instrument, indeed, was at first believed to have been actually the production of Shaftesbury[9], but is now recognised as the composition of the illustrious John Locke, whom he had had the sagacity to appreciate and the honour to patronize, and who was united to him by a friendship more creditable than beneficial to the statesman, and in no way advantageous either to the character or the fortunes of the philosopher[1]. The constitutions of Carolina contain a mixture as discordant as the characters of these men; though in what proportions they represent the peculiar sentiments of either, it is not easy to guess, or possible to determine. It has been said (whether conjecturally or authoritatively) that Shaftesbury, smitten alike with reverence for antiquity and admiration of Locke, desired to revive in his person the alliance that once subsisted between philosophy and legislation; to restore the practice of

CHAP. I.

1669. The proprietaries enact the fundamental constitutions of Carolina.

[9] It is so represented by Oldmixon, whose history was published in 1708, f. 332. But it was afterwards inserted in the collection published in 1719 by Des Maiseaux, of the anonymous and unprinted pieces of Locke, from a copy corrected by his own hand, and which he had presented to a friend as one of his own works. Locke, folio edit. iii. 652.

[1] See Note II.

BOOK IV. 1669.

that age when communities accepted their constitutions more willingly from the disciples of Pythagoras than from the descendants of kings. It is certain, however, that Shaftesbury, along with a very high value for the genius and talents of Locke, entertained implicit confidence in his own ability to excite the full vigour of Locke's understanding, and yet inject into it regulating views that would enable himself securely to anticipate and define the results of its application. What instructions were communicated to Locke by his patron, cannot now be known: but it must be admitted that the philosopher was indulged with so much liberty that he afterwards represented the constitution as his own performance, and himself as a competitor with William Penn in the science of legislation: and hence this instrument, whatever may be thought of its intrinsic merits, must ever be regarded with interest, as the link that connects the genius of Locke with the history of America.

By these constitutions it was declared that the eldest of the eight proprietaries should be palatine of the province during his life, and that his successor should always be the eldest of the survivors. Seven other of the chief offices of state, namely, the offices of admiral, chamberlain [2], chancellor, constable [3], chief-justice, high steward, and treasurer, were appropriated exclusively to the other seven proprietaries; and these, as well as the office of palatine, might be executed by deputies within the province. Corresponding to these offices there were to be (besides the ordinary courts of every county) *eight supreme courts*,

[2] The chamberlain's court had the care of "all *ceremonies*, precedency, heraldry, and pedigrees," and also "power to regulate all *fashions*, *habits*, badges, games, and *sports*." Art. 45. If the functions of this body resemble the ceremonial academy of China, the title at least of another body of functionaries recals the institutions of old Rome. The assistants of the admiral bore the title of *proconsuls*. Art. 41.

[3] This was a military office, and the members of its relative college of assistants were termed lieutenant-generals. Art. 39.

to each of which was annexed a college of twelve assistants. The palatine was to preside in the palatine's court, of which he and three others of the proprietaries made a quorum; and this court represented the king, ratified or negatived the enactments of the legislature, and, in general, was vested with the administration of all the powers conferred by the royal charter, except in so far as limited by these fundamental constitutions. By a complicated frame-work of counties, signiories, baronies, precincts, and colonies, the whole land of the province was divided into five equal portions, one of which was assigned to the proprietaries, another to the nobility, and the remaining three were left to the people. Two classes of hereditary nobility, with possessions proportioned to their respective dignities, and for ever unalienable and indivisible, were to be created by the proprietaries, under the titles of landgraves and caciques; and these, together with the deputies of the proprietaries, and representatives chosen by the freemen, constituted the parliament of the province, which was appointed to be biennially convoked, and when assembled, to form one deliberative body, and occupy the same chamber. No matter or measure could be proposed to the parliament that had not been previously prepared and approved by the grand council of the province, a body resembling the *lords of the articles* in the ancient constitution of Scotland, and consisting almost entirely of the proprietaries' officers and the nobility. No man was eligible to any office unless he possessed a certain definite extent of land, larger or smaller according to the dignity or meanness of the office. Trial by jury was established in each of the courts throughout the whole of the lengthened ramification of jurisdiction: but the office of hired or professional pleaders was denounced as a base and sordid occupation; and no man was allowed to plead the cause

BOOK IV.

1669.

of another without previously deposing on oath that he neither had received nor would accept the slightest remuneration for his services. To avoid the confusion arising from a multiplicity of laws, all acts of the parliament were appointed to endure only one hundred years, after which they ceased and determined of themselves without the formality of an express repeal; and to avoid the perplexity created by a multiplicity of commentators, all comments whatever on the fundamental constitutions, or on any part of the common or statute law of Carolina, were absolutely prohibited. Every freeholder was required to pay a yearly rent of a penny for each acre of his land to the proprietaries; and all the inhabitants above seventeen and under sixty years of age were obliged to bear arms, and serve as soldiers, whenever they should receive a summons to that effect from the grand council. Every freeman of Carolina was declared to possess *absolute power and authority over his negro slaves, of what opinion or religion soever*[4]. The apology that most readily suggests itself for such a regulation, is excluded by the fact, that at this time, and long after, there were no negroes in the province, except a very small number whom Sir John Yeamans and his followers had brought with them from Barbadoes[5].

A series of regulations that not only import the most ample toleration in religion, but manifestly infer the political equality of all religious sects and systems whatever, was ushered by this remarkable article:—

[4] It is humiliating to reflect that this regulation was composed by the hand that wrote the Essay on the Human Understanding. At a later period of his life, when the English Revolution and the controversies it engendered had enlightened Locke's ideas of the rights of men, we find him thus pronouncing his own condemnation, while he exposes and confutes the servile sophistry of Sir Robert Filmer. "Slavery is so vile and miserable an estate of man, and so directly opposite to the generous temper and courage of our nation, that 'tis hardly to be conceived that an Englishman, much less a gentleman, should plead for it." "The perfect condition of slavery," he afterwards defines to be, "*the state of war* continued between a *lawful conqueror* and a captive." Locke, ii. 106, 173.

[5] Hewit, i. 61.

"Since the natives of the place who will be concerned in our plantation are utterly strangers to Christianity; whose idolatry, ignorance, or mistake, gives us no right to expel or use them ill; and those who remove from other parts to plant there, will unavoidably be of different opinions concerning matters of religion, the liberty whereof they will expect to have allowed them, and it will not be reasonable for us on this account to keep them out; that civil peace may be maintained amidst the diversity of opinions, and our agreement and compact with all men may be duly and faithfully observed; the violation whereof, upon what pretence soever, cannot be without great offence to Almighty God, and great scandal to the true religion which we profess; and also that Jews, heathens, and other dissenters from the purity of christian religion, may not be scared and kept at a distance from it, but by having an opportunity of acquainting themselves with the truth and reasonableness of its doctrines, and the peaceableness and inoffensiveness of its professors, may by good usage and persuasion, and all those convincing methods of gentleness and meekness suitable to the rules and design of the gospel, be won over to embrace and unfeignedly receive the truth; therefore any seven or more persons agreeing in *any religion*, shall constitute a church or profession, to which they shall give some name to distinguish it from others." In the terms of communion of every such church or profession it was required that the three following articles should expressly appear; that there is a God; that God is publicly to be worshipped; and that it is the duty of every man when called upon by the magistrate, to give evidence to the truth, with some ceremonial or form of words, indicating a recognition of the presence of God. No person who was not joined as a member to some church or pro-

37220

BOOK IV.

1669.

fession of this description, was to be permitted to be a freeman of Carolina, or to have any estate or habitation within the province; and all persons were forbidden to revile, disturb, or in any way persecute the members of any of the religious associations thus recognised by law. What was *enjoined* upon freemen was *permitted* to slaves, by an article which declared that, "since charity obliges us to wish well to the souls of all men, and religion ought to alter nothing in any man's civil estate or right, *it shall be lawful* for slaves, as well as others, to enter themselves, and be of what church or profession any of them shall think best, and thereof be as fully members as any freeman." But the hope of political equality that sectarians might derive from these provisions was completely subverted, and even the security of a naked tolerance was menaced by an article, which, though introduced into these constitutions, was neither composed nor approved by Locke[6], and by which it was provided, that when the country should have been sufficiently peopled and planted, it should belong to the colonial parliament to take care for the building of churches and the public maintenance of divines, to be employed in the exercise of religion, according to the canons of the church of England; "which being *the only true and orthodox*, and the national religion of all the king's dominions, is so also of Carolina; and therefore it alone shall be allowed to receive public maintenance by grant of parliament." Finally, it was declared that these fundamental constitutions (consisting of an hundred and twenty articles, and forming a vast

[6] Art. 96. "This article was not drawn up by Mr. Locke, but inserted by some of the chief of the proprietors, against his judgment; as Mr. Locke himself informed one of his friends to whom he presented a copy of these constitutions." Locke, vol. iii. p. 676. note. It was probably devised by Lord Cornbury (Clarendon's son), who inherited his father's bigotry for the church of England, and appears to have signed the fundamental constitutions. Oldmixon, vol. i. p. 332.

labyrinth of perplexing regulations) should be the sacred and unalterable form and rule of government of Carolina for ever[7]. CHAP. I. 1669.

The defects of this system are so numerous, that to particularize them would be a tedious labour; and they are at the same time so gross and palpable, that they must readily manifest themselves to every reader without any auxiliary indication. It may be remarked, however, in general, that the author of it, in collecting materials for his composition, seems to have looked every where but to the actual situation and habits of the people for whom he legislated. Legislators, who derive their office from any other source than the appointment of the people, are so little accustomed in the exercise of it to consider themselves obliged to do to others as they would have others do to them, that the partiality and illiberality of these institutions would scarcely merit notice if Locke had not been their author. It was a reproach more exclusively due to the proprietaries, that good faith was violated, and existing rights disregarded. For a number of inhabitants had already settled in the province, on conditions which their rulers had no longer the power to qualify or abrogate; and forms of government having been actually established, the people had acquired an interest in them, which, without their own consent, could not be sacrificed to these innovating regulations. The proprietaries might perhaps have been led to doubt the soundness of their expectations, if not the equity of their purposes, had they fairly considered the motives which retained themselves in England, and anticipated the probable operation of similar sentiments on the minds of the inhabitants of Carolina. It is reported of some ancient legislators, that they sacrificed their own lives in order to secure the reception

[7] Locke, vol. iii. p. 665—678.

BOOK IV. 1669. or the perpetuity of their constitutions. But while these proprietaries could not prevail on themselves to resign the comforts and luxuries of England, and even deliberately anticipated their non-residence, by providing for the vicarious discharge of their functions, they expected that an infant colony of independent woodsmen and rough tobacco-growers should at once renounce their manners and their habits of life, enchain their liberties, abridge their gains, and nearly metamorphose themselves into a new order of beings, for the sake of accumulating dignity on persons whom even the enjoyment of such dignity could not induce to live in the country. It is hard to say whether there was greater injustice or absurdity in projecting a state of society where such overweening concern was admitted in the rulers, and such utter disregard supposed in the people, of their own respective interests; where the multitude were expected to sacrifice their liberty and prosperity, in order to enhance the advantages of certain conspicuous stations, which those for whom they were reserved judged unworthy of their occupation. It is remarkable that Shaftesbury was the head of the anti-catholic party in England, and that Locke assisted with his pen to propagate the suspicions which his patron professed to entertain of the designs of the catholics against religious and political freedom. Yet if we compare the constitutions of Maryland and Carolina, we cannot hesitate to prefer the labours of the catholic legislator to those of the protestant philosopher and politician; and to acknowledge that the best interests of mankind were far more wisely and effectually promoted by the plain unvaunted capacity of Lord Baltimore, than by the united labours of Locke's elevated and comprehensive mind, and of Shaftesbury's vigorous, sagacious, and experienced understanding.

CHAP. I. 1669.

The proprietaries, however, were so highly satisfied with the fundamental constitutions, that they resolved, without delay, to attempt their realization; and, as a preliminary step, exerted themselves to the utmost of their ability to promote the transportation of additional inhabitants to the province. The Duke of Albemarle was installed into the office of palatine, and the sum of twelve thousand pounds expended on the equipment of a fleet, which set sail in the beginning of the following year with a considerable body of emigrants. This expedition, which was destined to found a colony at Port-Royal, was conducted by Colonel William Sayle, an experienced officer, who received the appointment of governor of that part of the coast lying south-westward of Cape Carteret. As these emigrants appear to have consisted chiefly of dissenters, it is probable that religious toleration was the object they had principally in view; and that they had not been made acquainted with that article of the constitutions by which the security of this important blessing was so seriously endangered. Indeed at a subsequent period the colonists bitterly complained that the fundamental constitutions had been interpolated, and some of their provisions disingenuously warped to the prejudice of public liberty[8]. Sayle was accompanied by Joseph West, who for upwards of twenty years bore the chief sway in Carolina, and was now intrusted with the management of the commercial affairs of the proprietaries, on whom the colonists continued for several years to depend exclusively for their foreign supplies. On the arrival of the settlers at their place of destination, they prepared with more good faith than good sense to realise the political system to which they were required to conform; but, to their great surprise, the first glance at their

Jan. 1670. Expedition of emigrants to South Carolina.

[8] Chalmers, p. 555.

BOOK IV.

1670.

actual situation convinced them that this design was perfectly impracticable; and that the offices which were appointed to be established were no less unsuitable to the numbers than to the occupations of the people. A wide scene of rough labour lay before them, and it was obvious that for many years a pressing demand for labourers must be experienced; a state of things totally incompatible with the avocations of official dignitaries, and the pompous idleness of an order of nobility. Neither landgraves nor caciques had yet been appointed by the proprietaries; and to have peopled even the subordinate institutions, would have been to employ all the inhabitants of the colony in performing a political drama, instead of providing the means of subsistence. Yet although the colonists found themselves constrained at once to declare that it was *impossible to execute the grand model*, they steadily persisted in their adherence to it, and expressed their determination to *come as nigh to it as possible*. Writs were therefore immediately issued, requiring the freeholders to elect five persons, who with five others chosen by the proprietaries, were to form the grand council, without whose assent the governor could not perform the functions of his office. A parliament, composed of these functionaries, and of twenty delegates, chosen by the same electors, was invested with legislative power. So great were the difficulties attending the first occupation of the settlement, that, only a few months after their arrival, the colonists were relieved from the extremities of distress by a seasonable supply of provisions, transmitted to them by the proprietaries. Along with this supply, there were forwarded to the governor twenty-three articles of instruction, called *temporary agrarian laws*, relative to the distribution of land, and the plan of a magnificent town,

which he was desired to build with all convenient despatch, and to denominate Charles-town, in honour of the king. To encourage the resort of settlers to Port Royal, an hundred and fifty acres of land were allotted to every emigrant, at a small quit-rent, and clothes and provisions were distributed, from the store of the proprietaries, to those who were unable to provide for themselves. The good-will of the neighbouring Indians was purchased by considerable presents to the native caciques, who thus performed the only service which that description of dignitaries was destined ever to render to the colony. While the colonists were toiling to lay the foundation of civil society in the province, the proprietaries were proceeding very unseasonably to erect the superstructure of those aristocratical institutions which they designed to establish. The Duke of Albemarle having died in the course of this year, was succeeded in the dignity of palatine by Lord Craven; and shortly afterwards John Locke was created a landgrave, in recompense of his services; and the same elevation was bestowed on Sir John Yeamans, and on James Carteret, a relative of one of the proprietaries[9]. Perhaps it may excite some elation in the mind of an American citizen, that while the order of nobility, thus imported into his country, continued to enjoy even a nominal subsistence, John Locke was one of its members; and that when he was expelled from Oxford, and a fugitive from England, he continued to be acknowledged as a nobleman in Carolina. But it is disagreeable to behold this distinguished philosopher, and truly estimable man, accept a title of nobility to himself in the society where he had contributed to sanction and introduce the degrading institution of negro slavery. Happily for the country with which he was thus con-

John Locke created a landgrave.

[9] Oldmixon, i. 334. Hist. of the Brit. Dom. in Amer. B. VIII. cap. 1. Hewit, i. 52. Chalmers, 529. Williamson, i. cap. 4.

BOOK IV.

1670. nected, and for his own credit with mankind, the race of Carolinian nobles was exceedingly short-lived; and the attempt to engraft feudal nobility on the institutions of North America proved utterly abortive.

Sayle had scarcely established the people in their new settlement when he fell a victim to the unwholesomeness of the climate. On his death, Sir John Yeamans claimed the administration of the vacant authority, as due to the rank of landgrave, which no other inhabitant of the province, except himself, enjoyed. But the council, who were empowered to elect a governor in such circumstances, preferred to appoint Joseph West, a popular man, much esteemed among the colonists for his activity, courage, and prudence, until a special commission should arrive from England. West's administration was but short-lived; for, notwithstanding this indication of his acceptableness to the colonists, the proprietaries, desirous of promoting the respectability of their nobles, and highly satisfied with the prudence and propriety that had characterised Yeamans' government of the plantation around Cape Fear, judged it

1671. expedient to extend his command over the new settlement lying south-westward of Cape Carteret. The shores, the streams, and the interior of the country, being now perfectly well known, in consequence of the accurate surveys they had undergone, the planters from Clarendon on the north, and from Port Royal on the south, began about this period to resort to the convenient banks of Ashley-river. And here was laid, during the same year, the foundation of *Old Charles-town*, which became, for some time, the capital of the southern settlements. The proprietaries, meanwhile, with the spirit that had characterised their former proceedings, promulgated *temporary laws*, which they appointed to be observed, till, by a sufficient increase of inhabitants, the government

could be administered according to the fundamental constitutions. One of these laws, with equal policy and humanity, enjoined the colonists to observe the utmost equity and courtesy in their intercourse with the Indians; to afford them prompt and ample redress of any wrongs they might happen to sustain; and, on no pretence whatever to enslave or send any of them out of the country. The object of this regulation was unfortunately defeated, very soon after, by the intrigues of the Spaniards: and the other temporary laws received very little attention or respect from the colonists, who were by no means disposed to acquiesce in such arbitrary and irregular government; and who very justly thought, that if the establishment of permanent laws was obstructed by the circumstances of their present condition, the temporary arrangements by which such laws were to be supplied ought to originate with themselves, to whom alone the exact nature of the circumstances which were to be consulted was experimentally known[1].

CHAP. I. 1671.

The proprietaries were more successful in their efforts to increase the numbers of the colonists of Ashley-river, than in their experiments in the science of legislation. To the puritans, persecuted in England by the existing laws, and ridiculed and insulted by the cavaliers, they offered a secure asylum and ample grants of land in Carolina, on condition of their transporting themselves and their families to this province. Even the most bigoted churchmen in the king's council are reported to have co-operated with great eagerness to promote this project; considering severe labour a powerful remedy for enthusiasm, and enthusiasm an excellent stimulus to novel and hazardous undertakings; and judging it expedient to diminish, by every means, the farther

[1] Hewit, i. 53. Chalmers, 530.

BOOK IV. 1671.

accumulation of puritan sentiments and habits in Massachusetts. And although it was to this favourite scene that the strictest and the most numerous portion of the puritan emigrants still resorted, yet a considerable number were tempted by the flattering offers of the proprietaries to try their fortunes in Carolina. Unfortunately for the peace of the province, the invitations and encouragements to emigrate thither were tendered indiscriminately to men of the most discordant characters and principles. Rakes and gamblers, who had wasted their substance in riot and vice, and cavaliers who had been ruined by the civil wars, were sent out in considerable numbers, to associate with disgusted puritans, and to a scene where only severe labour, and the strictest temperance and frugality, could save them from perishing with hunger. To the impoverished officers, and other unfortunate adherents of the royalist party, for whom no recompense was provided in England, the proprietaries and the other ministers of the king offered estates in Carolina, which many of them were fain to embrace as a refuge from beggary. The conjunction between these cavaliers, who ascribed their ruin to the puritans, and the puritan emigrants, who imputed their exile to the cavaliers, could not reasonably be expected to produce harmony or tranquillity; and the feuds and distractions that afterwards sprung up from the seeds of division thus unseasonably imported into the infant province, inflicted a merited retribution on the proprietaries for the senselessness and absurdity of the policy they had pursued. The dangers and hardships, indeed, in which the emigrants found themselves involved on their arrival in the province, contributed for a time to repress the growth of civil and religious dissension: but, on the other hand, the same circumstances tended to develope the evil consequences of sending worthless men, whose

habits were already completely fixed and corrupted, to a scene where only vigorous virtue was calculated to thrive. Accordingly, it was the effects of this part of their policy that afforded to the proprietaries the earliest matter of repentance. Of the extent to which disappointment and discontent prevailed among the settlers, we may judge from this circumstance, that one of their earliest laws was an ordinance that no person should be permitted to abandon the colony[2]. CHAP. I. 1671.

The distress which unavoidably attended the first efforts of the colonists was severely aggravated by the hostile intrigues and assaults of the Spaniards, who had established a garrison at Augustine, in the territory to which the appellation of Florida was now restricted from its original comprehensiveness. These proceedings of the Spaniards, which even their original pretensions would by no means have warranted, were adopted in manifest violation of a treaty by which such pretensions had been expressly renounced. Prior to the year 1667, no mention had been made of America in any treaty between Spain and England; the former being contented to retain her ancient claims to the whole country, and the other careful to preserve and improve the footing she had already attained in it. At that epoch, however, which was but a few years posterior to the occupation of Carolina, Sir William Godolphin concluded a treaty with Spain, in which, among other 1672. Hostilities with the Spaniards in Florida—

[2] Hewit, i. 54—56. 60. Hewit's work was published without his name, which some writers have spelt *Hewit*, and others *Howat*. Others have concluded, from this variation, that there were two writers whose names were nearly the same, and both of whom wrote histories of South Carolina. Warden carries this mistake still farther, and in his catalogue of works relative to this state, enumerates three histories bearing the same title, one by Hewit, another by Howat, and a third by an anonymous author. Nor is this a solitary, or even a rare specimen of the inaccuracy of his literary catalogues. Indeed nothing can be more slovenly or perplexing than the manner in which authorities have been cited in almost all the works that treat of American history. Even the most correct of them never scruple to cite the same author, in one passage by his name, and in another by the title which his work shares with a host of other performances.

BOOK IV.

1672.

articles, it was agreed, "That the king of Great Britain should always possess in full right of sovereignty and property, all the countries, islands, and colonies, lying and situated in the West Indies, or any part of America, which he and his subjects then held and possessed, insomuch that they neither can nor ought to be contested on any account whatsoever." It was stipulated at the same time, that the British government should withdraw its protection from the buccaneers, who had for many years infested the Spanish dominions in America; and accordingly all the commissions that had been formerly granted to these pirates were recalled and annulled. By the same treaty, the right of both nations to navigate the American seas was formally recognised; and it was declared that all ships in distress, whether from storms, or the pursuit of enemies and pirates, and taking refuge in places belonging either to Britain or Spain, should receive protection and assistance, and be permitted to depart without molestation. But notwithstanding this treaty, a certain religious society in Spain continued to assert a claim to the whole territory to which the name of Florida had been originally applied, not only on the footing of prior discovery, but by virtue of a special grant from the pope: and the garrison that was maintained at Augustine, regarding the British settlement as an encroachment on their possessions, endeavoured by every act of insidious, and even violent molestation, to compel the colonists to relinquish the country. They sent emissaries among the settlers at Ashley-river, in the hope of moving them to revolt; they encouraged indented servants to abandon their masters, and fly to the Spanish territory; and they laboured so successfully to instil into the savage tribes the most unfavourable notions of British heretics, that these deluded Indians, at

the instigation of a people, whose treachery and injustice they had so sensibly experienced, took arms to extirpate a race who had never injured them, and whose whole demeanour, as well as the express instructions of their rulers, indicated a desire to cultivate friendly relations with them. The colonists were now involved in a scene of labour, danger, and misery, which it is impossible to contemplate without admiring the energy and endurance which human beings are capable of exerting. Except a very few negroes, who had been imported by Yeamans and his followers from Barbadoes, there were no other labourers but Europeans in the colony; the brute creation could not partake or supply human labour till the ground had been disencumbered of wood; and the weak arm of man alone had to encounter the hardship of clearing a forest, whose thickness seemed to bid defiance to his utmost strength. The toil of felling the large and lofty trees, by which they were surrounded, was performed by the colonists under the dissolving heat of a climate to which their bodies were totally unaccustomed, and amidst the terrors of barbarous enemies, whose silent approaches and abrupt assaults they could not otherwise repel, than by keeping a part of their own number under arms, to protect the remainder who were working in the forest, or cultivating the spaces that had been cleared. The provisions obtained by dint of such hardships were frequently devoured or destroyed by their enemies; and the recompense of a whole year's toil defeated in one night by the vigour and celerity of Indian depredation. These distresses were aggravated by the feebleness, helplessness, and ill-humour of some of the recently arrived emigrants, and by the mistakes and disappointments arising from ignorance of the peculiar culture and produce appropriate to the soil of Carolina, to which European grain and

CHAP. I.

1672. and with the Indians.

BOOK IV.

tillage proved utterly unsuitable. So much discontent and insubordination was produced by these calamities, that it was with the utmost difficulty that the governor could prevent the people from abandoning the settlement. An insurrection was even excited by Culpepper, one of the provincial officers; but it was easily suppressed by the governor; and the guilty were either mildly punished or humanely forgiven, in consideration of the misery to which their violence was imputed. While Yeamans was exerting himself to compose these disorders, the Spanish garrison at Augustine, receiving information from some fugitive servants of the colonists, of the state of their affairs, judged this a proper opportunity to strike a decisive blow; and accordingly despatched a party, who advanced as far as the island of St. Helena, with the purpose of dislodging or destroying the inhabitants of Ashley-river. But either their courage was disproportioned to their animosity, or they had overrated the divisions among the English colonists: for being joined by only one traitor of the name of Fitzpatrick, and learning that Yeamans was not only prepared to receive them, but had sent Colonel Godfrey with a party of fifty volunteers to attack them in St. Helena, they did not wait the encounter, but evacuating the island retreated to their quarters at Augustine. The more formidable hostilities of the Indians were quelled for a time, partly by the address and conciliation of Yeamans, but chiefly by a war which broke out between two of their own principal tribes, the Westoes and the Seranas, and which was carried on with such destructive fury, that in the end it proved fatal to them both[3].

1672.

1673 During the administration of Sir John Yeamans, the colony received a great addition to its strength

[3] Hewit, i. 53, 59. 61—4.

from the Dutch settlement of Nova Belgia, which had been conquered by Colonel Nichols, and made subject to England. Charles the Second bestowed it on his brother James, who changed its name to New York; and by the prudence and mildness of the first governor whom he appointed, succeeded for a while in reconciling the inhabitants to the change of empire. But various circumstances had subsequently occurred to render the Dutch discontented with their altered situation, and many of them had formed the intention of removing to some other province; when the proprietaries of Carolina, understanding, or anticipating their design, and ever on the watch to promote emigration to their own palatinate, prevailed with them by encouraging offers to direct their course thither, and sent two of their own vessels, which conveyed a number of Dutch families to Charlestown. Stephen Bull, the surveyor-general of the colony, had instructions to allocate lands on the south-west side of Ashley-river for their accommodation; and here the Dutch emigrants, having drawn lots for their possessions, formed a town, which was called James-town. This first resort of Dutch settlers to Carolina, opened a copious flow of emigration to the province; for, having surmounted incredible hardships by their patience and industry, the successful establishment which they obtained, induced many of their countrymen in ancient Belgia, at a subsequent period, to follow them to the western world. The inhabitants of James-town, at length finding its precincts too narrow for their growing numbers, began to spread themselves over the province, till the town by degrees was entirely deserted[4].

CHAP. I. 1673.

The proprietaries had hitherto supplied the wants of the colonists with an unsparing hand; insomuch

[4] Hewit, i. 73, 74.

BOOK IV.

that it was by their ample and seasonable consignments of provisions and other stores, that the settlement had more than once been snatched from the brink of destruction. But their patience was not proportioned to their liberality: in the expectations they formed, of speedy emolument and grateful regard, they omitted to consider the circumstances for which they had so liberally provided; and totally forgetting the injustice and imprudence with which they had hurried off great numbers of helpless shiftless men, to a scene where they could only encumber, disturb, and discourage the more useful members of the community, they were strongly and exclusively impressed with the largeness of their own pecuniary sacrifices, which seemed to give them full assurance, that the colonists had no cause whatever of complaint against them. Before the end of the year 1673, a debt of many thousand pounds had been incurred in this manner, by the colonists to the proprietaries; and yet they solicited fresh supplies, without being able to show how the late or the future expenses were ever to be reimbursed; and in alluding to the severity of the hardships they had undergone, they complained of neglect, and insinuated reproach. The proprietaries were exceedingly provoked and disgusted with this result; and their disappointment, concurring with the Dutch war, rendered their correspondence with the colony much less frequent than before. Willing however to encourage the settlers who had lately emigrated from New York, they sent another supply, and promised an annual one; but withal warned the planters to consider how these advances were to be repaid, since they were now determined, they declared, to make no more desperate debts. "It must be a bad soil," they observed, "that will not maintain industrious men, or we must be very silly that would maintain the idle."

1673.

1674.

They transmitted at the same time a large assortment of vines and other useful plants, and sent out a number of men who were acquainted with the management of them: but they refused an application for a stock of cattle, observing that they wished not to encourage graziers but planters; and they strongly recommended the cultivation of tobacco, till more beneficial staples could be introduced. Mutual jealousy and dissatisfaction began now to arise between the proprietaries and the colonists, and embittered the whole of their future intercourse. But a useful lesson was conveyed to the people by the circumstances which thus diminished their reliance on foreign support, and enforced their dependence on their own unassisted exertions. The proprietaries ascribed the unproductiveness of the colony, and the poverty of its inhabitants, to the misgovernment of Sir John Yeamans, who in the commencement of this year had been forced by ill health to resign his command, and try to repair his constitution in Barbadoes, where he quickly found a grave. The factions and confusion in which the colony was shortly after involved, have rendered the annals of this period extremely perplexing and inconsistent, and obscured, with an almost impenetrable cloud, the real characters of men, and the connexion of events. Yet amidst conflicting testimonies, I am strongly inclined to believe that these charges of the proprietaries against Sir John Yeamans were unjust, and either the effusions of spleen and disappointment, or (more probably) the artful suggestion of an apology for the body of the colonists, with whom it was not convenient for them to quarrel irreconcilably. The real offence of Yeamans seems to have been his eagerness to procure ample supplies from the proprietaries to the colonists; a policy which, while the proprietaries were determined to discourage, they

Disgusts between the proprietaries and the colonists.

BOOK IV.

1674. were naturally interested to view and represent as the consequence of his own mal-administration. When he abdicated his office, the council again appointed Joseph West his successor; and on this occasion the palatine thought proper to confirm the popular choice, with many compliments to the object of it, which, however gratuitous at the time, were amply justified by the prudence and success of his administration [5].

From the affairs of the southern colony, we must now transfer our attention for a little to the northern settlement of Albemarle. The same instructions which had been communicated to Sayle, in the year 1670, were transmitted to Stevens, the governor of Albemarle, at the same period: but a system, pregnant with innovations so unfavourable to the interests of freedom, was received with disgust and even derision, by a people who were no more disposed to give their consent to the *fundamental constitutions* than the proprietaries had been to demand it. The promulgation of this instrument produced no other effect than to excite the most inveterate jealousy of the designs of the proprietaries; till, in process of time, it came to be reported and believed, that they had formed the purpose of partitioning the province, and bestowing Albemarle on Sir William Berkeley as his portion of the whole. This apprehension, though perfectly groundless, prevailed so strongly, that at

1675. length the assembly of Albemarle presented a remonstrance to the proprietaries against a measure which they declared to be no less injurious to individuals than degrading to the country. Though this remonstrance was answered in a conciliating manner by the proprietaries, who graciously confessed that they had been wanting in attentions to the people of Albemarle, and solemnly promised to preserve the

[5] Chalmers, 530, 531. 556—558. Hewit, i. 74.

integrity of the province, the discontents of the colonists were too deeply rooted to be thus easily removed. Little satisfaction was derived from the expectation of more frequent attentions from those whose policy had become the object of incurable suspicion; and a jealous and refractory spirit, taking possession of the minds of the people, was at length exasperated into sentiments as hostile to subordination, as the policy of the proprietaries was repugnant to liberty. From this period the history of the northern province, for a series of years, is involved in such confusion and contradiction, that it is impossible to render it interesting, and difficult to make it even intelligible. Chalmers, the most accurate of its historians, has been enabled, by his access to the most authentic sources of information, to rectify the mistakes of other writers respecting the nature and order of the following events; but has found it utterly impracticable to account for them [6]. Unhappily they have been involved in the deeper confusion, from being connected, in some degree, with the violent but unsteady and mysterious politics of Lord Shaftesbury.

1675.

Shortly after the remonstrance by the assembly of Albemarle, Miller, a person of some consideration in the province, was accused of sedition; and having been acquitted, notwithstanding the grossest irregularity and injustice in conducting his trial, he proceeded to England to complain to the proprietaries of the treatment he had undergone. Stevens the go-

[6] "Such," says this writer, "is the early history of North Carolina, which is probably as important and instructive as the annals of the most renowned states of antiquity, if we deduct from them the agreeable fables with which their eloquent authors have adorned them." P. 520. Hewit declares that the transactions of commonwealths in their infancy are as interesting to the moralist as the vegetation of plants in spring is to the natural philosopher; a sentiment which, whatever justice it may be thought to possess, is totally inapplicable to the annals of a period disturbed by civil commotions, destitute of letters, and obscured by inconsistent traditions, the offspring of contending factions and reciprocal rancour.

BOOK IV. vernor, died soon after; and the assembly made choice of Cartwright to succeed him till orders should be
1675. received from England; but this man, after a short attempt to conduct the administration, was so disgusted with the distractions that prevailed around him, that he abandoned the colony altogether: and
1676. returned to England, whither he was accompanied by Eastchurch, a man whose address and abilities had raised him to the dignity of speaker of the assembly, and who was deputed to represent to the proprietaries the existing state of the province. The proprietaries, conceiving a favourable opinion of Eastchurch, appointed him governor of Albemarle; and strongly disapproving the treatment that Miller had received, gave him as a compensation the office of secretary, to which Lord Shaftesbury added a deputation of his proprietary functions. The commissioners of the customs appointed Miller, at the same time, the first collector of these duties in the province. The proprietaries had observed with dissatisfaction how little their designs had been promoted, or their instructions respected by the provincial government. They had signified their desire to have settlements formed to the southward of Albemarle sound, and a communication by land established with the southern colony. But this scheme had been obstructed by the governor and council of Albemarle, who had engrossed nearly the whole of the trade with the neighbouring Indians, and justly apprehended that the extension of the settlements would divert this profitable traffic into other hands. The proprietaries had no less vainly endeavoured to alter the channel of the foreign trade of the colonists, and to substitute a direct intercourse with Britain for the disadvantageous commerce to which they had restricted themselves with New England, whose traders, penetrating into the interior of the province, and bringing their goods to every man's

door, had obtained a monopoly of the produce of Albemarle, and habituated the planters to a traffic which they preferred, on account of its ease and simplicity, to the superior emolument of more distant commercial transactions. It was hoped by the proprietaries that an important alteration in both these particulars would be effected by the instructions which they now communicated to Eastchurch and Miller. These officers departed to take possession of their respective offices: but Eastchurch, finding an opportunity of making a wealthy marriage in the West Indies, thought it prudent to remain there till his object was accomplished, and despatched his companion with directions to govern the colony as president till he himself should arrive [7].

CHAP. I. 1676. 1677.

As chief magistrate and collector of the royal customs, Miller was received with a hollow civility and treacherous acquiescence, of which he became the dupe and the victim. Not aware how unacceptable his authority was to a considerable party among the settlers, he at once promulgated purposes and commenced innovations that gave offence and alarm to all. He found the colony to consist of a few insignificant plantations dispersed along the north-eastern bank of the river Albemarle, and divided into four districts. The colonists were yet but an inconsiderable body; the *tithables*, under which description were comprehended all the working hands from sixteen to sixty years of age, amounting only to fourteen hundred; and one-third of these being composed of Indians, negroes, and women. Exclusive of the cattle and Indian corn, eight hundred thousand pounds of tobacco was the annual produce of their labour, and formed the basis of an inconsiderable commerce, which was carried on almost entirely by the traders from New England, who enjoyed unbounded in-

July.

[7] Chalmers, p. 532, 533. 560. Williamson, i. 124—128.

BOOK IV.

1677.

fluence in the colony. Remote from society, and utterly destitute of instruction, the planters were remarkable for ignorance and credulity, and were implicitly directed by the counsels of these traders, who regarded with the utmost jealousy the commercial designs which Miller had been instructed by the proprietaries to pursue. Unsupported by any effectual power, and possessing neither the reputation of eminent ability nor the advantage of popularity, this man commenced the work of reformation with a headlong and impetuous zeal that provoked universal displeasure. He was reproached, and perhaps justly, with some arbitrary exertions of power; but the rock on which his authority finally split was an attempt to promote a more direct trade with Britain and with the other colonies [8], in order to destroy the monopoly enjoyed by the traders of New England, whom the proprietaries regarded as insidious rivals, and dangerous associates of the people of Carolina. At length, on the arrestment of a New England trader who was accused of smuggling, an insurrection [9] broke forth among the settlers of Pasquetanke, one of the districts of Albemarle; and the flame quickly spread through the whole colony. The insurgents were chiefly conducted by Culpepper, who had formerly excited commotions in the settlement of Ashley-river, and whose experience, in such enterprises, seems to have formed his sole recommendation to the regards of his present associates. As the go-

December. Culpepper's insurrection in North Carolina.

8 Virginia, from her situation, might have absorbed the whole of this traffic of which she then enjoyed only a very inconsiderable portion. But so narrow were the commercial views by which she was governed, that two years after this period she passed an act prohibiting "the importation of tobacco from Carolina; as it had been found very prejudicial." Laws of Virginia, p. 127. In the year 1681, the governor of Virginia, writing to the English committee of colonies, declares that "Carolina (I mean the north part of it) always was and is the sink of America, the refuge of our renegadoes, and, till in better order, dangerous to us." State Papers, *apud* Chalmers, 356.

9 This insurrection, it will be remarked, broke out but a few months after the suppression of Bacon's rebellion in Virginia. But no connexion has been ever supposed between these two events.

vernment possessed no power capable of withstanding them, they soon acquired undisputed possession of the country; and having deposed the president, who was the chief object of their indignation, they committed him and seven of the proprietary deputies to prison. They seized the royal revenue, amounting to three thousand pounds, which they appropriated to the support of the revolt; they established courts of justice, appointed officers, convoked a parliament, inflicted punishments on all who presumed to oppose them, and, for several years, exercised the authority of an independent government. As there had been no example of a revolt unaccompanied by a manifesto, the inhabitants of Pasquetanke, in conformity with this usage, had commenced their insurrectionary proceedings, by publishing a feeble frivolous composition, entitled *a remonstrance to the people of Albemarle*, in which they complained of various oppressions, which they imputed to Miller, and declared the object they had in view to be the assembling of a free parliament, through whose instrumentality the grievances of the country might be represented to the proprietaries. The subsequent conduct of the insurgents, however, demonstrated very clearly, how little of real deference the proprietaries enjoyed with them; for, on the arrival of Eastchurch, to whose commission and conduct no objection could be made, they derided his authority, and denied him obedience. He applied for assistance to the governor of Virginia; but died of vexation before a force sufficient for his purpose could be assembled [1].

CHAP. I.

1677.

1678.

After two years of successful revolt, the insurgents, apprehensive of an invasion from Virginia, despatched Culpepper and Holden to England, to offer submission to the proprietaries, on condition of their past

1679.

[1] Chalmers, 534—536. 558—561. Williamson, i. 130—133. and Append. 268.

BOOK IV.

proceedings being ratified, and Miller declared and treated as a delinquent. This unfortunate president, and the other officers, who had languished, meanwhile, in imprisonment, having found means to escape, appeared in England at the same time, and filled the court and the nation with complaints of their own sufferings, and accusations of their persecutors. If the proprietaries could have ventured to act with decision, and in conformity with their own notions of right, it was the complaint of this latter party that would doubtless have prevailed with them. But while they hesitated to embroil themselves irreconcilably with the colonists, their perplexity was increased by the encouragement which Shaftesbury thought proper to extend, in the most open manner, to Culpepper. This enterprising politician, who was now deeply engaged in his last revolutionary projects, and whose recent espousal of the popular cause in England had placed him at variance with some of his brother proprietaries, plainly saw that Culpepper, possessing the confidence of the people of Albemarle, was capable of becoming an useful instrument in the province, and that Miller, his ancient deputy, was utterly unfit to lend him any assistance. Culpepper, thus powerfully countenanced, seemed to have prevailed over his opponents, and was preparing to return to Carolina, when he was accused by the commissioners of the customs (at the private instigation, most probably, of the palatine, and others of the proprietaries), of the offences of acting as collector without their authority, and of embezzling the king's revenue. He was seized on board a vessel in the Downs, under a warrant from the privy council; and his case being referred to the committee of plantations, the proprietaries no longer scrupled, nor indeed could in decency refuse, to come forward as his accusers; in consequence of which, the report of the

1679.

1680.

committee impeached him not only of embezzlement of the customs, but of having promoted a rebellion in the province. It was in vain for him to acknowledge the facts, and beg for mercy, or at least that he might be sent for trial to Carolina, where the offences had been committed: his powerful accusers were determined to wreak the uttermost vengeance on so daring an opponent of legitimate authority; and, by virtue of a statute of Henry the Eighth, which enacted that foreign treasons might be tried in England, he was brought to trial in the court of King's Bench, on an indictment of high treason committed without the realm. There is no defect of justice in requiring a colonial governor or other public officer delegated by the parent state, to answer before her domestic tribunals, for betraying the trust, or perverting the power which he derived from her appointment. But Culpepper had not been an officer of the British government; and, however consonant with the statute law of Henry the Eighth, it was plainly repugnant to the spirit of the English common law, as well as to the principles of equity, to compel him to take his trial at such a distance from his witnesses, and in a community where the witnesses on both sides were unknown, and conflicting testimony could not probably be adjusted. It must be confessed, however, that from the actual state of the province, the British government was reduced to the alternative of either trying him in England, or not trying him at all. His destruction at first appeared inevitable; for the judges pronounced, that to take up arms against the proprietary government was treason against the king; and the amplest evidence was produced of every circumstance requisite to constitute the crime. But Shaftesbury, who was then in the meridian of his popularity, appearing in behalf of the prisoner, and representing, contrary to the most undoubted facts,

CHAP. I. 1680.

He is tried in England,

BOOK IV.

1680.

and acquitted.

that there had never been any regular government in Albemarle, and that its disorders were mere feuds between the planters, which at worst could amount to no higher offence than a riot, easily prevailed with the jury to return a verdict of acquittal [2]. This was the last act by which Shaftesbury signalised his participation in the government of Carolina. His attention, thenceforward, was absorbed by the daring cabals that preceded his exile: and, about three years afterwards, having ruined or dishonoured every party with which he had been connected, he was obliged to fly from England, and implore the hospitality and protection of the Dutch, whom he had formerly exhorted the English parliament to extirpate from the face of the earth. The ruin of this ablest of the proprietaries extended its influence to the fortunes of the most distinguished of the landgraves. Locke had been so intimately connected with Shaftesbury, that he deemed it prudent to abandon England at the same time: but so remote was he from any accession to the guilt of his patron, that when William Penn afterwards prevailed on James the Second to consent to the pardon and recall of Locke, the philosopher resolutely refused to accept a pardon, declaring that he had done nothing that required it [3].

Meanwhile the palatine, and the majority of the proprietaries, reduced to their former perplexity by the acquittal of Culpepper, pursued a temporising policy, that degraded their own authority, and cherished the factions and ferments of the colonists. Fluctuating between their resentments and their apprehensions, they alternately threatened the insurgents and blamed their own partisans. The inevitable con-

[2] British Empire in America, i. 337. Ventris' Reports, 349. Chalmers, 536, 537. 561, 562. Williamson, i. 133, and Append. 266.

[3] Life of Locke. Clarkson's Life of Penn. Though Locke refused to avail himself of Penn's good offices, he was not regardless or unmindful of them; and, after the Revolution in England, found an opportunity of amply repaying them. *Post*, B. VII. cap. 2.

sequence of this policy was, that they further exasperated all parties in the colony against each other, without attaching any to themselves, and at length found it too late either to overawe the insurgents by vigour, or to conciliate them by lenity. They are said to have resolved at last to abandon a hopeless vindication of their insulted authority, and to govern in future according to whatever portion of obedience the colonists might be disposed to yield to them. Having established a temporary administration, at the head of which they placed one Harvey as president, they announced, immediately after, their intention to send out Seth Sothel, who had purchased Lord Clarendon's share of the province, and whose interest and authority, they hoped, would powerfully conduce to the restitution of good order and tranquillity. These measures, however, were productive only of additional disappointment. Little regard was paid to the rule of Harvey, by men who were already apprised that his government would have but a short duration; and the proprietaries, along with the tidings of his inefficiency, received intelligence of the capture of Sothel on his voyage by the Algerines. Undismayed by so many disappointments, the proprietaries, having now resolutely adopted a lenient and conciliating policy, pursued it with commendable perseverance: and Henry Wilkinson, a man from whose prudence the most happy results were expected, was appointed governor of the whole of that portion of Carolina stretching from Virginia to the river Pemlico, and five miles beyond it. The most earnest endeavours were now employed by the proprietaries to heal the former disorders. To the governor and council, they recommended, in persuasive language, the enforcement and exemplification of mutual forbearance and indulgence; and, in compliance with their desire, an act of oblivion was

CHAP. I. 1681.

BOOK IV.

1681. passed by the assembly of Albemarle in favour of the late insurgents, on condition of their restoring the money of which they had plundered the royal revenue. But it was found easier to enforce topics of conciliation on the parties who had suffered wrong, than on those who had done the injury; and the late insurgents, who were still the strongest party, not only contemned the conditions of an act which they felt to be quite unnecessary to their security, but, acquiring the command of the assembly, proceeded, with triumphant insolence and injustice, to denounce and punish the party which had so far mistaken its situation, as to proffer terms of pardon and forbearance to them. They inflicted heavy fines, and severe imprisonment on their opponents, who were forced to fly to Virginia for protection[4]; and with whom every trace of justice and freedom took a long leave of this unhappy colony. The lamentable scene of violence and anarchy that thus ensued was no way changed, nor was the condition of the colony in any degree meliorated, by the arrival of Sothel, the governor, in the year 1683. The dangerous character of this man was displayed in the first acts of his administration. Though required by the proprietaries to expel from the council all those who had been concerned in the late disorders; to establish a court of the most impartial of the inhabitants, for the redress of wrongs committed during the distractions of the times; and to assist the officers of the customs in collecting the royal revenue, and executing the acts of navigation, he declined to comply with any of these mandates; and, seeking only his own immediate enrichment, he disregarded equally the happiness of the people, the interest of his colleagues,

Discord among the colonists.

1683.

[4] Some of these unfortunate persons appear to have transmitted addresses and complaints to Charles the Second, and vainly implored his protection. Chalmers, p. 563.

and the deep stake which he himself possessed in the future welfare of the colony. Newly escaped from captivity on the coast of Barbary, he was so far from enlarging his own humanity, or fortifying his sense of equity, by the experience of hardship and injustice, that he seemed to have adopted the policy of his late captors as the model of his own government: nor have the annals of colonial oppression recorded a name that deserves to be transmitted to posterity with greater infamy than his. Rapacity, cruelty, and treachery, appear to have been the prominent traits of his administration, which, after afflicting the colony for a period of five years, at length exhausted the patience of all parties, and produced at least one good effect, in uniting the divided people by a sense of common suffering and danger. Driven almost to despair, the inhabitants universally took arms against his government in 1688, and having deposed and imprisoned him, were preparing to send him to England for trial, when, descending to the most abject supplications, he entreated to be judged rather by the provincial assembly, whose sentence he declared himself willing to abide. If the colonists, in granting this request, arrogated a power that did not constitutionally belong to them, they at least exercised it with a moderation that reflects honour on themselves, and aggravates the guilt of the tyrannical governor. The assembly declared him guilty of all the crimes laid to his charge, and ordained that he should abjure the country for twelve months, and the government for ever. When the proprietaries received intelligence of these proceedings, they deemed it proper to signify that they did not altogether approve the irregular justice of the colonists: but they expressed the deepest regret for their sufferings, and the utmost astonishment and indignation at the conduct of the governor. They summoned

CHAP. I.

1683. Sothel's tyrannical administration.

1688. He is deposed.

BOOK IV.

1688.

him still to answer for his crimes before the palatine's court in England; and they protested to the people, that, if they would render a dutiful obedience to legal authority, no governor should in future be suffered to enrich himself with their spoils[5]. Such was the condition to which North Carolina was reduced at the epoch of the British Revolution.

[5] Williamson, i. 136—141. Chalmers, 538—540. Hewit, i. 103, 104. Hewit has related these proceedings against Sothel, as having occurred in South Carolina. Nor is this the only error with which he is chargeable. He perpetually combines events that are totally unconnected with each other. His notation of dates is extremely scanty, and sometimes very inaccurate. While he abstains from the difficult task of relating the history of North Carolina, he selects the most interesting features of its annals, and transfers them to the history of the southern province. His errors, though hardly honest, were probably not the fruit of deliberate misrepresentation. Almost all the prior historians of America have been betrayed into similar inaccuracies with respect to the provinces of Carolina. Even that laborious and generally accurate writer Jedediah Morse has been so far misled by defective materials as to assert (American Gazetteer, second edit. 1798, p. 381) that the first permanent settlement in North Carolina was effected by certain German refugees in 1710.

CHAPTER II.

Affairs of South Carolina.—Indian War.—Practice of kidnapping Indians.—Emigrations from Ireland—Scotland—and England.—Pirates entertained in the Colony.—Emigration of French Protestants to Carolina.—Disputes created by the Navigation Laws.—Progress of Discontent in the Colony.—Sothel usurps the Government.—Endeavours of the Proprietaries to restore good Order.—Naturalization of French Refugees resisted by the Colonists.—The Fundamental Constitutions abolished.—Wise Administration of Archdale.—Restoration of general Tranquillity.—Ecclesiastical Condition of the Province.—Intolerant Proceedings of the Proprietaries.—State of the People—Manners—Trade, &c.

CHAP. II.

Affairs of South Carolina.

We now resume the progress of the southern province of Carolina, which, under the prudent administration of Joseph West, whom we have seen appointed governor in 1674, enjoyed a much larger share of prosperity than fell to the lot of the settlers of Albemarle. The governor has been highly celebrated for his courage, wisdom, and moderation; and the state of the province over which he was called to preside, gave ample occasion to the exercise of these qualities. Strong symptoms of mutual jealousy and dislike began to manifest themselves between the dissenters and puritans, who were the most numerous party in the colony, and the cavaliers and episcopalians who were favoured by the proprietaries in the distribution of property and appointment to offices of trust: and although the firmness and good sense of West prevented the discord of these parties from ripening into strife and confusion, it was beyond his power to eradicate the evil, or to prevent his own council, which was composed of the leading cavaliers, from treating the puritans with insolence and contempt. The ca-

BOOK IV.

1674—1677.

valier party was reinforced by all those persons whom loose manners and dissipated habits had carried to the province, not for a cure but a shelter of their vices, and who regarded the rigid manners of the puritans with as much dislike as the cavaliers entertained for their political principles. The adversaries of the puritans, finding that it was in their power to shock and offend them by exhibition of manners opposed to their own, affected an extreme of gay license and jollity. Each party considering its manners as the test of its principles, emulously exaggerated the distinctive features of the demeanour it embraced; and a competition of manners and habits ensued, in which the ruling party gave countenance and encouragement to practices very unfavourable to the prevalence of industry and acquisition of wealth. The proprietaries, whose imprudence had begotten these divisions, were the first sufferers from their evil consequences, and found all their efforts unavailing to obtain repayment of the large advances which they had made for the settlement. The colonists who had undertaken to pay the small salary of £100 a year allotted to the governor, found themselves unable to discharge even this obligation: and the proprietaries

1677. found it necessary, in April, 1677, to assign to him the whole stock of their merchandises and debts in Carolina, in liquidation of his claims. This transaction gave rise to the remark that West was perhaps the only factor, who, at the end of ten years of confessedly prudent management, received, without any impeachment of his morals, the whole product of his traffic as the reward of his services. Meanwhile the population of the province received considerable accessions from the continued resort of English disenters, and of protestant emigrants from the catholic states

1679. of Europe. In the year 1679, the king, willing to gratify the proprietaries, and hoping, perhaps, to

divert the tide of emigration from Massachusetts, ordered two small vessels to be provided at his own expense, to convey a detachment of foreign protestants to Carolina, who proposed to add wine, oil, and silk, to the other produce of the territory; and he granted to the colonists an exemption for a limited time from the payment of taxes on these commodities, in spite of the earnest remonstrances of the commissioners of customs, who represented that England would be ruined and depopulated if the colonies were rendered a more desirable residence. Although these new settlers were not able to enrich the province with the valuable commodities which they had so confidently promised, they preserved their settlement in it, and formed a useful and respectable addition to its population. The proprietaries having learned that the agreeable district called Oyster-point, formed by the confluence of the rivers Ashley and Cooper, enjoyed greater conveniences than the station that the first settlers had chosen, encouraged the inclination of the people, who began to remove thither about this time: and here, in 1680, was laid the foundation of the modern Charlestown, a city which in the next century claimed the highest consideration for the elegance of its streets, the extent of its commerce, and the refinement of its society. It was instantly declared the port of the province for the various purposes of trade, and the capital for the general administration of government. For sometime, however, it proved extremely unhealthful; insomuch, that from the month of June till October, the courts of justice were annually shut; and during that interval no public business was transacted, and men fled from the pestilential atmosphere of the place. The inconvenience at length was found to be so great, that orders were given to inquire for situations more

1679.

1680.

BOOK IV.

1680.

friendly to health. But happily (in consequence, it has been supposed, of the purification of the noxious vapour by the smoke of numerous culinary fires) the climate gradually underwent a favourable change, and finally evinced so complete a revolution, that Charlestown was considered to enjoy the most salubrious air of Carolina [1].

Indian war.

Notwithstanding the earnest desire of the proprietaries, that the colonists should cultivate the goodwill of the Indians, a war that proved very detrimental to the settlement broke out in the year 1680, with a powerful tribe that inhabited the southern boundary. The war seems to have originated, partly from the insolence with which the idle and licentious emigrants behaved to the Indians, and partly from the depredations of straggling parties of Indians, who being accustomed to the practice of killing whatever animals they found at large, accounted the planters' hogs, turkeys, and geese, lawful game, and freely preyed upon them. The planters as freely made use of their arms in defence of their property, and several Indians having been killed, the vengeance of their kindred tribe burst forth abruptly in general hostilities, which for some time threatened the most serious consequences to the colony. So divided were the colonists among themselves, that the governor found it difficult to unite them in measures requisite even for their common safety, or to persuade any to undertake an effort that did not promise to be attended with advantage immediately and exclusively their own. That he might address himself effectually to their selfish disposition, he offered a price for every Indian who should be taken prisoner and brought to Charlestown; and raised the necessary funds by disposing of

[1] Oldmixon, vol. i. p. 336. Hewit, vol. i. p. 75—77. Chalmers, p. 540—512. 563.

the captives to the traders who frequented the colony, and who sold them for slaves in the West Indies. This policy was productive of so much profit, and of enterprises so agreeable to the temper and habits of some of the planters, that the war was carried on with a vigour that soon enabled the government to dictate a treaty of peace with the Indians. The proprietaries, desiring that this pacification should rest on a lasting and equitable basis, appointed commissioners who were empowered to decide all complaints between the contending parties in future, and declared that all the tribes within four hundred miles of Charlestown were under their protection. But the practices that had been introduced during the war had established themselves too strongly to be thus easily eradicated. Many of the colonists found it more profitable, as well as more agreeable, to traffic in the persons of the Indians, than to clear the forests or till the ground: and not only the principal inhabitants, but the officers of government, fomented the spirit of discord that prevailed among the savage tribes and promoted their mutual wars, with the design of procuring to themselves the captives whom they purchased as slaves. It was in vain for the governor and council to plead in justification of this inhuman policy, that by occupying the tribes, and causing them to expend their force in mutual hostilities, they secured the colony against their attacks; and that humanity sanctioned the purchase of prisoners who would otherwise have been put to death. The proprietaries were by no means satisfied with these reasons; and strongly declaring their conviction that it was a sordid thirst for private gain, and not a generous concern for the public safety, that engendered a policy so dastardly and dishonest, they ceased not to insist for its entire abandonment. But their humane interference was

CHAP. II.

1680.

1681.

Practice of kidnapping Indians.

BOOK IV.

long unavailing; and it was not till after the most persevering and vehement remonstrances, that they
1681. were able to procure the enactment of a law to regulate, and at length utterly prohibit, this profligate and ignoble practice. Its continuance was attended with consequences both immediately and lastingly injurious. The traders who carried the captives to the West Indies imported rum in exchange for them; and a destructive habit of indulging to excess in this beverage depraved the manners and relaxed the industry of many of the colonists. A deep and mutual dislike was formed between them and the victims of their injustice, which the lapse of many years was unable to allay: and in after times the Indians inflicted a severe retribution on the posterity of those who had been the authors of their wrongs and the insidious abettors of their ferocity[2].

1682. Governor West held a parliament at Charlestown in the close of the following year; when laws were enacted for settling a militia, which the late war had shown to be necessary; for making ways through the boundless forest that every where surrounded the capital; for repressing drunkenness and profanity, and otherwise promoting the morality of a people who did not enjoy the instruction of a public mi-
1683. nistry. Shortly after this proceeding, West, who had incurred the displeasure of the proprietaries by introducing the traffic in Indians, and by curbing the excesses of the cavaliers, who were accounted the proprietary party, was removed from his command; and the government of the colony was committed, by Lord Craven, to Joseph Moreton, who had been recently created a landgrave of Carolina. This was the commencement of a course of rapid succession of governors, and all the other public officers in the

[2] Archdale's Description of Carolina, p. 13, 14. Oldmixon, vol. i. p. 336. Hewit, vol. i. p. 78. Chalmers, p. 542, 543.

colony: a system arising partly from unexpected casualties, and partly from defective policy; and which did not fail to produce the consequences with which it has been invariably attended, in the degradation of government, and the promotion of party spirit and cabals. But, however much the policy of the proprietaries might fluctuate in other respects, it continued long to be steadily and strenuously directed to the encouragement of emigration. At the desire of several wealthy persons, who proposed to emigrate to the province, they once more revised their fundamental constitutions, which, at the time of their first enactment, had been declared unalterable; now again promulgating a similar declaration of their future inviolability. The object of the present alterations was to relax somewhat in favour of liberty, the rigour of the original constitutions: but it is the less necessary to particularize them, as they were never acknowledged or received by the people of Carolina, who were more jealous of the power assumed to introduce such alterations, than gratified with the particular advantages now tendered to their acceptance. The alterations, however, proving satisfactory to the parties who had solicited them, one Ferguson soon after conducted to the colony an emigration from Ireland, which instantly mingled with the mass of the inhabitants. Lord Cardross, a Scottish nobleman, also led out a colony from his native country (then groaning under the barbarous administration of the Duke of Lauderdale), which settled on Port Royal island, and in pursuance of some agreement or understanding with the proprietaries, claimed for itself co-ordinate authority with the governor and grand council of Charlestown. This claim, however, was disallowed by the colonial government; and the new occupants of Port Royal having been compelled to acknowledge submission, Lord Cardross, whether disappointed

Emigrations from Ireland—

Scotland—

BOOK IV.

1683.

and England.

with this result, or satisfied with what he had already accomplished, forsook the settlement and returned to Britain. The settlers whom he left behind, were sometime after dislodged from their advantageous situation by an expedition despatched against them by the Spaniards at Augustine, whom they had wantonly provoked by inciting the Indians to make an irruption into the Spanish territory. But the most valuable addition to its numbers which the colony at this time received, arose from the emigration of a considerable body of pious and respectable dissenters, from Somersetshire in England. This body was conducted by Joseph Blake, the brother and heir of the renowned Admiral Blake, and who now devoted the moderate fortune which his disinterested brother had bequeathed to him, to facilitate the retirement of a number of dissenters, with whom he was connected, from the persecutions they endured in England, and the greater calamities they apprehended under the reign of the popish successor of the king. Several persons of similar principles, and considerable substance, united themselves to this emigration; and the arrival of these people served to strengthen the hands of the puritan or sober party in the colony, and to counteract, in a salutary manner, the influence of circumstances unfavourable to the character and manners of the planters. From the exertions of the proprietaries, and the condition of England at this period, there is little doubt that the colony would have received a much larger accession to its inhabitants, if the recent colonization of Pennsylvania had not presented an asylum more generally attractive to mankind. The liberality of William Penn's institutions; the friendly sentiments with which the Indians returned his kind and pacific demeanour; the greater salubrity of the climate of Pennsylvania, and superior adaptation of its soil to the cultivation of British grain,

powerfully enforced the claim of this province to the preference of emigrants; and such multitudes resorted to it, both from England and the other states of Europe, as soon enabled it to outstrip the older settlement of Carolina, both in wealth and in population [3]. CHAP. II. 1683.

A few months after his elevation to the office of governor, Moreton assembled a parliament, which established a great variety of regulations, for the remedy of those little inconveniencies that are incidental to the infancy of all colonial settlements. A law that was now enacted for raising the value of foreign coins gave rise to the currency of Carolina, which, in after times, incurred an extreme depreciation. In imitation of the early policy of the settlement of Albemarle, all prosecutions for foreign debts were suspended. But the proprietaries, now regarding with displeasure what they had formerly confirmed without animadversion, interposed to negative this enactment, declaring that it was contrary to the king's honour, since it obstructed the course of justice, and that the colonial parliament had no power to frame a law so inconsistent with the jurisprudence of England: and the more sensibly to manifest their displeasure, they issued orders that all officers who had promoted this enactment should be displaced. Another cause of dispute between the proprietaries and the province, arose from the manner in which this parliament had been constituted. The province at this time was divided into the three counties of Berkeley, Craven (including the district formerly called Clarendon), and Colleton. The proprietaries had desired, that of the twenty members of whom the lower house of parliament was composed, ten September

[3] Archdale, 14. Oldmixon, i. 337—339. 340, 341. Hewit, i. 89—91. Chalmers, 543, 544. Warden's Population Tables of Pennsylvania and the Carolinas.

BOOK IV.

1683.

should be elected by each of the counties of Berkeley and Colleton; the third being reckoned as yet too inconsiderable to merit a share of parliamentary representation. Berkeley, which contained the metropolis, was the only one of the counties which as yet possessed a county court; and the provincial government having appointed the election to be held at Charlestown, the inhabitants of Berkeley had combined to prevent the people of Colleton from voting at all, and had themselves returned the whole twenty members. They maintained that this advantage was due to their own superiority in number of people; a circumstance which at least enabled them to realize the pretension it suggested. The proprietaries, however, were highly displeased with this contempt of their instructions, which they were no sooner informed of, than they gave orders that the parliament should be dissolved, and none other assembled in so irregular a manner. But their commands were unavailing; and this signal injustice, after maintaining its ground for some time, obtained the countenance and assent of the proprietaries themselves, and continued to subsist, till, at a later period, its abettors were compelled to yield to the indignant and unanimous voice of the people whom they had disfranchised. The proprietaries, meanwhile, were exceedingly displeased with the reiterated disobedience of their deputies, and, in a remonstrance which they addressed to the governor and council, they reminded them, in language which at least expresses good intentions, "that the power of magistracy is put into your hands for the good of the people, who ought not to be turned into prey, as we doubt hath been too much practised." It was remarked, that the greatest dealers in Indian slaves were the keenest opponents of the claim of Colleton county to share in the exercise of the elective franchise; exemplifying

how the indulgence of selfishness and oppression in any one relation tends entirely to pervert or extinguish in men's minds the sense of what is due to the rights of others. The proprietaries, though at times they expressed themselves, as on this last occasion, with vigour and wisdom, seem to have been quite incapacitated, by ignorance or irresolution, from pursuing or enforcing a consistent course of policy. It was found that some of the councillors, and even the commissioners that had been appointed to watch over the interests of the Indians, encouraged the traffic in Indian slaves; and though Moreton was able to remove these delinquents from office, they succeeded in rendering his own situation so disagreeable to him, that he was constrained to resign his authority, which was immediately conferred on West, who suffered the people to continue the practice of inveigling and kidnapping the Indians without restraint. The proprietaries then intrusted the government to Sir Richard Kyrle, an Irishman, who died soon after his arrival in the province. West, thereupon, was again chosen interim governor by the council, whose appointment, on this occasion, the proprietaries thought proper to confirm. He was, however, shortly after superseded by Colonel Quarry, who retained the office only till the following year, when, in consequence of the countenance he was found to have given to piracy, he, in his turn, was dismissed, and Joseph Moreton reinstated in the government [4].

CHAP. II.

1683.

1684.

1685.

The American seas had been long infested by a race of daring adventurers, privateers in time of war, pirates in time of peace, whose martial exploits, and

4 Oldmixon, i. 339, 340. Hewit, i. 92, 93. Chalmers, 545, 546. From Oldmixon's Lists, it appears that Colonel Quarry held official situations under the crown in several of the provinces at the same time. On his return to England in the year 1703, he presented to the lords of trade a memorial on the state of the American colonies, which is preserved among the Harleian Collection in the British Museum. Some notice of it occurs in Oldmixon's account of Virginia.

BOOK IV.

1685.

successful depredations on the rich colonies and commerce of Spain, enabled them to conciliate the regard or purchase the connivance of many of the inhabitants of the British settlements, and even of the authorities, supreme as well as subordinate, of the British empire. The king himself, for several years after his restoration, had extended to them his patronage, and even granted the honour of knighthood to one of their number, Henry Morgan, a Welshman, who had plundered Portobello and Panama, and acquired a vast booty by his achievements. Thus recommended by the king to the favourable regards of his subjects, these freebooters found it no less easy than advantageous to cultivate a friendly connexion with the people of Carolina, who willingly opened their ports, and furnished supplies of provisions to guests who lavishly spent their golden spoils in the colony. The treaty of 1667, together with the increasingly lawless character of the adventurers, had withdrawn the king's protection from them: but they continued, nevertheless, to maintain, and even extend, their intercourse with the planters and authorities of Carolina. The governor, the proprietary deputies, and the principal inhabitants, degraded themselves to a level with the vilest of mankind, by abetting the crimes of pirates, and becoming receivers of their nefarious acquisitions. The proprietaries strongly remonstrated against practices that degraded the character of the province, and depraved the manners of all who participated in them: and their orders, backed by a proclamation from the king, prevailed so far as to restrain the colonists from indulging an inclination which they had begun to demonstrate of sharing in the enterprises as well as the gains of their piratical associates. But they obstinately continued to retain their connexion with these adventurers, which, diffusing among them the infectious desire of sudden wealth and the spirit of dissipation, contributed to the formation of habits

Pirates entertained in the colony.

pernicious to every community, but more particularly injurious to the prosperity of an infant settlement. Traces of these habits have continued long to be discernible in the character and manners of the inhabitants of Carolina. The king at length aroused by the complaints of his allies, and sensible how much the trade of his own subjects had been injured by these lawless proceedings, transmitted to the colony in April, 1684, "a law against pirates," which the proprietaries required their parliament to enact, and their executive officers rigorously to enforce. The first part of this requisition was readily complied with; but the evil had become so inveterate, that the law, instead of being carried into effect, was openly violated even by those by whom it had been enacted. It was not till three years after this period, that the evil received an effectual check, from an expedition which James the Second despatched under Sir Robert Holmes, for the suppression of piracy in the West Indies. Of this expedition the proprietaries sent intimation to the governor and council of Charlestown, and recommended to them a prompt submission to the authority, and co-operation in the designs and proceedings of Holmes: and their mandates being now supported by a force sufficient to overawe all opposition, these disgraceful proceedings sustained a complete, though unfortunately only a temporary interruption[5].

CHAP II. 1685.

Meanwhile the obloquy and disrepute which the province of South Carolina thus deservedly incurred, was not the only inconvenience that resulted from its connexion with the pirates. The Spaniards at St. Augustine had always regarded the southern settlements of the English with jealousy and dislike: they suspected, and not without reason, that the Scotch planters at Port Royal inflamed the Indians against them; and they beheld with indignation the

[5] Hewit, vol. 1. p. 92, 93. Chalmers, p. 546.

BOOK IV.

1686.

plunderers of their commerce openly encouraged at Charlestown. After threatening to avenge themselves by hostilities, they at length invaded the southern frontiers of the province, and laid waste the settlements of Port-Royal. The Carolinians finding themselves unable to defend a wide extended boundary, resolved to carry their arms into the heart of their enemy's territory; and accounting themselves authorised by the terms of the provincial charter to levy war on their neighbours, they made preparations for an expedition against St. Augustine. The proprietaries, informed of this project, hastened to withstand it by their remonstrance and prohibition. Every rational being, they declared, must have foreseen that the Spaniards, provoked by such injuries as the colonists had wantonly inflicted on them, would assuredly retaliate. The clause of the charter which was relied on by the colonists to justify their projected invasion meant no more (they maintained) than a pursuit in heat of victory, and never could authorise a deliberate prosecution of war against the king of Spain's subjects within his own territories. "We ourselves," they protested, "claim no such power: nor can any man believe that the dependencies of England can have liberty to make war upon the king's allies, without his knowledge or consent[6]." They intimated, at the same time, their dissent from a law which had been passed for raising men and money for the projected expedition against the Spaniards: and the inhabitants, either convinced by their reasonings, or disabled from raising the

[6] There can be little doubt, I apprehend, that if the proprietaries had transferred their own residence to the colonies, or had been able to realize the magnificent scheme contained in their fundamental constitutions, they would have put a much freer interpretation on the belligerent privilege conferred by the charter; and would have made war as largely and independently as the English East India Company have ever done. The accomplishment of their original views would have effected all the mischief that in a later age was (justly or erroneously) anticipated from the India bill of Mr. Fox; and disturbed the balance of the English constitution by the vast endowment of power and influence which it would have bestowed on a junta of the aristocracy.

necessary supplies, abandoned the enterprise. On learning this result, the proprietaries congratulated the governor and council on their timely retractation of a measure which, had it been carried into effect, the promoters of it, they declared, might have answered with their lives. They instructed them to address *a civil letter* to the governor of St. Augustine, to inquire by what authority he had acted; and, in the mean time, to put the province in the best position of defence[7]. From this period, mutual dread and animosity rarely ceased to prevail between the Spanish and English colonists in Florida and Carolina.

When the governor and council received intelligence of the death of Charles the Second, they proclaimed his successor with expressions of loyalty and joy, apparently the effusions of mere levity and love of change, but which gave so much satisfaction to James, that he conveyed to them, in return, the assurance of his favour and protection. His sincerity herein was on a par with their own; for he already meditated the revocation of the colonial charter, and the annihilation of all their privileges. He was prevented, however, from completing this intention, and his reign was productive of events that proved highly advantageous to the colony. Many of his English subjects, apprehending, from his arbitrary principles and his bigotry to the church of Rome, the subversion of their religion and liberties, fled beyond the Atlantic, from the approaching rigours of persecution: being determined rather to endure the severest hardships abroad, than to witness the establishment of popery and tyranny in England. The population of America, recruited by these emigrations, derived even a larger acquisition from the persecution of the protestants in France, that followed the revocation, in

[7] Chalmers, 547, 548.

BOOK IV.

1686.

1685, of the edict of Nantz. Above half a million of her most useful and industrious subjects, expelled from France, carried with them into England, Holland, and other European states, the arts and manufactures which had chiefly tended to enrich their native country. James, affecting to participate the indignation that was expressed by his own subjects at the persecution exercised by the French monarch, hastened to tender the most friendly assistance to the distressed hugonots, who sought shelter in his dominions; and besides those who established themselves in England, considerable numbers were enabled to transport themselves to the British settlements in America. Many, also, who needed not his assistance, and who dreaded his designs, purchased colonial property with their own money, and retreated to the same distant region. Among the other colonies which thus reaped advantage from the oppressions exercised in France, and the apprehensions entertained in England, Carolina derived a considerable acquisition of people. Many of the protestant refugees, in particular, having purchased lands from the proprietaries, who were ever on the watch to encourage emigration to their territories, embarked with their families for this colony, and made a valuable addition to its industry, prosperity, and population [8].

Emigration of French protestants to Carolina.

Although the colonists had as yet made but small progress in cultivating their territory, and still found their efforts impeded, and their numbers abridged, by the obstructions of the forest and the ravages of disease, they were obviously beginning to surmount the first difficulties and disadvantages of their situation. Their cattle, requiring neither edifices nor attendance, found sufficient shelter, and ample nourishment, in the woods, and increased in an amazing degree. They

[8] Hume's England, vol. viii. p. 243, 244. Hewit, i. 93, 94. Chalmers, 543.

traded to the West Indies for rum and sugar, in return for their lumber and provisions; and England supplied them with clothes, arms, ammunition, and utensils for building and cultivation, in exchange for their deer-skins, furs, and naval stores. This commerce, inconsiderable as it was, having begun to attract attention, a collector of the customs was established at Charlestown, soon after the accession of James to the throne. The proprietaries, on this occasion, transmitted their orders to the governor and council, to show a becoming forwardness in assisting the collection of the duty on tobacco transported to other colonies, and in seizing ships that presumed to trade contrary to the acts of navigation. But, although the proprietaries enjoyed in theory the most absolute authority within the province, and seemed, indeed, to have engrossed the whole powers of government, they had long been sensible of the practical inefficiency of every one of their mandates that was opposed to the opinions or favourite practices of the people. This last injunction was not only disobeyed, but openly and argumentatively disputed by the colonists and the colonial judges and magistrates, who insisted that they were exempted from the operation of the navigation acts by the terms of the provincial charter, *against which*, they plainly informed the collector, that *they held an act of parliament to be of no force whatever*. As the charter was posterior in date to the navigation act, this was in effect to contend for the dispensing power of the crown; and to maintain against the king himself, the very doctrine which he forfeited his throne by attempting to realize. Illegal and dangerous as a plea involving such doctrines may at first sight appear, it will be found, in proportion as we examine it, that it is very far from being destitute of

CHAP. II. 1686.

Disputes created by the navigation laws.

BOOK IV. 1636.

support; either from natural reason or legal principle. It was the charter alone that had added the colonial territory to the British empire; and it was to the execution and existence of that charter alone, that Great Britain could refer for legal evidence of the connexion between herself and the colonial people. The planters, possessing the power of transferring their labours to any region where they might please to settle, and the benefit of their allegiance to any sovereign whose stipulations in their favour might appear satisfactory to them, had, on the faith of this charter, and of its due observance in all points, formed and reared, at great expense, their present colonial settlement; and in all the courts of Great Britain the charter was undoubtedly held a valid paction in so far as it imposed obligations on the colonists. There appears, then, to have been no want of justice or equity in the claim of the planters, that a charter which had formed their original paction and bond of union with the mother country, on the faith of which their subjection had been yielded and their settlement created, and which was, on all hands, acknowledged to be strictly valid in so far as it imposed obligations upon them, should be held no less sacred in respect of the privileges which it conceded to them. While it was allowed to remain unannulled, it seemed to be entitled to entire and equal operation: and if it were to be set aside, the grantees should have been left at liberty to attach themselves to some other dominion, if they could not arrange with Britain new terms of a prorogated connexion with her. It must be acknowledged, however, that the legal force, if not the natural equity of this plea, is considerably abated by the consideration, that it was disclaimed by the proprietaries, and preferred exclusively by the resident colonial population. The pro-

prietaries vainly disputed the reasonableness of the colonial plea, and as vainly prohibited the continuance of the relative practices. Neither awed by their authority, nor convinced by their reasonings, nor yet deterred by the frequent seizures of their own vessels and merchandize, the colonists continued to defend the legality and persist in the practice of trading wheresoever and in whatsoever commodities they pleased. While the proprietaries were labouring to prevail in this disagreeable controversy, they received a new and more painful addition to their embarrassments, from the alarming intelligence, that the king, having adopted the resolution of annihilating all proprietary governments, had directed a writ of *quo warranto* to be issued against the patent of Carolina. Thus, neither their submission to every royal mandate, nor their readiness to aid, with their feeble power, in the collection of the royal revenue, and the execution of the acts of navigation, could protect the chartered rights of the proprietaries from the enmity and injustice of the king. Yet prudently bending under the violence which they were unable to resist, they eluded the force of an attack which proved fatal to the charter of Massachusetts; and by proposing a treaty for surrender of their patent, they gained such delay as left them in possession of it, at the period of the British Revolution [9].

CHAP. II. 1686.

Governor Moreton, after his second appointment to the presidency of the colony, was allowed to retain it little more than a year. Though endowed with a considerable share of wisdom and ability, and connected with several respectable families in the colony, so inconsistent were his instructions from England with the prevailing views and interests of the people, that he found it difficult to execute the duties of his office at all, and impossible to discharge them satisfactorily.

[9] Hewit, i. 95, 96. Chalmers, 548, 549. State Papers, Ibid. 561—566.

BOOK IV.

1636. He has been described as a man of sober and religious temper; and having married the sister of Blake, it was hoped by the friends of piety and good morals, that the hands of government would be strengthened by this alliance, and an effectual check imposed on the more licentious and irregular party of the people. But the majority of his council entertained opinions very different from his, with respect to the conduct of the provincial administration, and claimed greater indulgences for the people than he had authority to grant. Hence there arose in the colony two political parties; the one attached to the prerogative and authority of the proprietaries, the other devoted to the liberties of the people. By the one it was contended that the laws and regulations transmitted from England, should be strictly and implicitly obeyed: by the other, more exclusive regard was had to the local circumstances of the colony; and it was maintained that the freemen were obliged to observe the injunctions of the proprietaries, only in so far as they were consistent with the interest of the resident population, and the prosperity of the settlement. In this situation of affairs, no governor could long maintain his authority among a number of bold and restless adventurers, averse to all restraint, and active in improving every opportunity to advance their own interest: for whenever he attempted to control any of their designs, by the exercise of his authority, they insulted his person, and complained of his administration, till they prevailed in having him removed from his office. The proprietaries finding that Moreton had become obnoxious to a considerable party among the people, now resolved with their usual feeble policy to sacrifice him to the enmity which his integrity had provoked; and

Aug. having accordingly displaced him, they appointed as his successor, James Colleton, a brother of one of

their own number, and on whose attachment to the proprietary interest they thought themselves entitled to rely. His fortune and connexions, it was hoped, would add influence to his office; and to lend him the greater weight, he was created a landgrave of the colony, with the appropriate endowment of forty-eight thousand acres of land. A high opinion had been entertained by his constituents of his good sense and ability; but either it was very ill-founded, or he was deprived of discretion and self-possession by the confusions and cabals in which he found himself involved. To his great mortification, he was quickly made sensible that the proprietary government had acquired very little stability, and was continually declining in the respect of its subjects. His own imprudence contributed materially to increase the weakness and discredit into which it had fallen [1].

CHAP. II. 1636.

The commencement of Colleton's administration gave universal satisfaction. But his instructions requiring him to attempt what his authority was unable to effect, the punishment of almost all the other colonial officers for various instances of disobedience to the proprietaries, and to execute with vigour the law against pirates, very soon embroiled him with a great body of the inhabitants. The form of the constitution, composed of a variety of jurisdictions, and investing the parliament with the choice of members for the grand council, gave rise to perpetual intrigue; and a diversity of factions sprung up, *as rampant*, says Oldmixon, *as if the people had been made wanton by many ages of prosperity.* A parliament having been summoned by Colleton, the majority of the members openly expressed their disapprobation of the fundamental constitutions; and having appointed a committee to revise and amend them, this

Nov. Progress of discontent in the colony.

[1] Hewit, vol. i. p. 96—100.

BOOK IV.

1686. body proceeded without delay to frame a new and very different scheme of government, which they distinguished by the name of *the standing laws of Carolina*, and transmitted to England for the approbation of the proprietaries. The reception of such a communication might have been easily foreseen. The proprietaries hesitated not a moment to reject these standing laws, and to issue the most positive orders for the due observance of the fundamental constitutions which had been so irreverently handled. But men who had deliberately undertaken so bold a measure, were not to be deterred from the prosecution of it by a consequence so obvious as the displeasure of the proprietaries; and a majority of the assembly still obstinately refused to acknowledge the authority of the fundamental constitutions. They were thereupon expelled from the house by the governor: and protesting[2] against the validity of any laws that might be enacted by a minority of the commons, they retired into the country, and eagerly endeavoured to instil their own principles and discontents into the minds of the people. So successful were their exertions for this purpose, that when a new parliament
1687. was convoked, the undisguised and unanimous purpose of the members was to thwart and contradict the governor in whatsoever proceedings he might embrace, recommend, or be supposed to approve. So pertinaciously did they adhere to this line of policy, as to refuse to settle a militia act, though the safety of the province, endangered by the Spaniards and their Indian allies, seemed urgently to demand such a measure: and, in fine, to make sure of giving sanction to nothing that could be agreeable to the

[2] Their protest, which is preserved in the archives of the Plantation Office at London, is subscribed by one of the protesters *with his mark*, in respect of his inability to write. Chalmers, p. 566—a significant indication, it must be confessed, of the extent of his political knowledge and legislatorial qualifications.

governor, they flatly declined to pass any laws at all. A dispute in which they engaged with him about the payment of quit rents, afforded them an additional opportunity of indulging their spleen, and increasing their popularity. Colleton had attempted to enforce payment of the arrears of the quit rents due by the people, which though inconsiderable in amount, were reckoned extremely burdensome, as not one acre among a thousand for which quit rents were demanded yielded as yet any profit to the holders. Finding it impossible to accomplish a measure so unpopular, while he was destitute of support from the other provincial officers, he wrote to the proprietaries, requesting them to appoint as deputies, certain persons, whom he knew to be favourably disposed towards their government, and from whom he might expect assistance in the execution of his office. Apprised of this measure, the adverse party scrupled no violence or injustice to defeat or counteract it. Letters from England, containing deputations to persons obnoxious to the people, they seized and suppressed; and themselves appointed other men better affected to the popular cause. Advancing in this course of resolute usurpation, the leaders of the popular party proceeded to issue writs in their own name, and held assemblies in opposition to the governor, and in utter disregard of the authority of the proprietaries. Having imprisoned the secretary of the province, they took forcible possession of the public records; and without appearing to have any fixed or definite object in view, they effected a complete subversion of legitimate authority. Only a determined and active usurper was wanting to possess himself of the power which they seemed to be more eager to suspend or overthrow, than permanently to appropriate; and a personage altogether fitted to take advantage of the opportunity did not fail shortly

CHAP. II.

1687.

1688.

BOOK IV.

after to present himself. During this scene of confusion, the tidings of the birth of a Prince of Wales
1688. were received in the colony, and celebrated by all parties with appearances of cordial sympathy and congratulation: and yet so unmeaning were these expressions, or so absorbed were the colonists with their own internal cabals, and so regardless of all changes beyond their own immediate sphere, that the intelligence of the revolution in England, though following the other event so closely, excited no emotion what-
1689. ever, and William and Mary were proclaimed with the most mechanical regularity and indifference [3].

Colleton, mortified by the insignificance to which he was reduced, and alarmed by the bold and seditious spirit of the people, vainly perplexed himself with a variety of ineffectual schemes for recalling them to the recognition of legal authority. His conduct had been far from blameless, and had even attracted censure from the quarter whence he principally relied for countenance and protection. Among other irregularities into which he had been betrayed, he had imposed an arbitrary fine of £100 on a minister, *for preaching*, what he accounted, *a seditious sermon;* and the proprietaries had remitted the fine, not on account of the illegality of its infliction, but of the extravagance of its amount. It was at length suggested to him, whether by imprudent partizans or insidious counsellors, that to proclaim martial law was the only means that remained of inducing the people to return to his governance, and yield obedience to the person, who under such a state of things would alone have the power to punish mutiny and sedition. Actuated no doubt by this purpose, though professing to apprehend an invasion of the Spaniards and Indians, he published an ordinance declara-

3 Archdale, p. 14. Oldmixon, vol. i. p. 341. 345. Hewit, vol. i. p. 100. 101. Chalmers, p. 550.

tory of martial law, and requiring every one to appear in arms for the defence of the province. However constitutional, however consistent with the provisions of the charter, this measure was imprudent in the extreme; because the colonists, thus summoned to arms, were far more inclined to turn their weapons against their ruler than against the public enemy. The designs of the governor were easily seen through, and not less easily defeated. The assembly having convoked themselves, and taken this measure into their consideration, resolved at once that it was a daring encroachment on their liberties, and an unwarrantable exertion of power at a time when the colony was in no danger from without. Colleton, however, driven to the extremity of his resources, persisted in his proclamation of martial law, and vainly attempted to enforce the articles of war. But he was very soon taught to feel that the disaffection was too general to admit of such a remedy, and that all his efforts served but to unite the body of the people more firmly in opposition to his government. It was given out by some of his opponents, that the sole object of his present proceedings was to acquire to himself the monopoly of the Indian trade; and this surmise, with every other imputation, however groundless or inconsistent, was readily credited by a people to whom for years he had been an object of suspicion and dislike [4].

Sothel usurps the government. 1690.

During the ferment that ensued upon these proceedings, Seth Sothel, whom we have seen banished from Albemarle, and recalled by the proprietaries to justify his conduct, suddenly presented himself at Charlestown, and in the double capacity of a proprietary of the province, and a champion of the popular rights against proprietary pretensions, laid claim to the possession of supreme authority. Hailed at once

[4] Hewit, i. 101, 2. Chalmers, 566. 550, 1.

BOOK IV. 1690.

With the acclaim of a numerous faction, he succeeded without difficulty in prevailing over the opposition of the governor and the more respectable inhabitants, and in possessing himself of the reins of government, which had long awaited and invited the grasp of some vigorous hand. With a gracious semblance of respect to petitions which had been suggested by himself, he consented to convene a parliament; and during the distractions of the times, it was easy to procure the return of members who were ready to sanction, by their votes, whatever measures he might dictate to them. Colleton was, by this assembly, impeached of high crimes and misdemeanours, and not only disabled from holding any office in the government, but banished from the province. Others who were accused of having abetted his misgovernment, were subjected to fine, imprisonment, and exile. Having now obtained possession of the supreme authority, and under pretence of gratifying the resentments of the people, enriched himself by forfeitures, and disencumbered himself of rival candidates for office, Sothel proceeded to exercise his power with a tyranny that effectually rebuked and punished the folly of those who had permitted him to obtain it, and soon united the southern colony against him in the same unanimous hatred which he had excited among their brethren in North Carolina. He is said to have trampled under foot every restraint of justice and equity, and ruled the colonists with a rod of iron. The replenishment of his coffers was the sole object of his government, and his financial operations were varied only by varieties of rapine. The fair traders from Barbadoes and Bermuda were seized by his orders, under the pretended charge of piracy, and compelled to purchase their ransom from imprisonment by enormous fines; bribes were accepted from real felons to favour their escape from justice;

and the property of individuals was seized and confiscated on the most unjust and frivolous pretences. The proprietaries hearing with astonishment of these outrageous proceedings, transmitted letters of recal to Sothel, and threatened, in case of his disobedience, to procure a mandamus from the king to compel his appearance in England; and their orders being now seconded by the hearty concurrence of the people, the usurper was constrained to vacate his functions, and abandon the province. He retired, however, no farther than to North Carolina, where he died in the year 1694 [5]. CHAP. II. 1691. 1692.

The revolution of the British government had excited very little attention in either of the colonies of Carolina, which were too remotely connected with the higher institutions of the empire, to be sensibly affected by the changes they had undergone. It was from the proprietaries alone that they could expect the interposition of a superior power to arrest or repair the misrule, oppression, and calamity, that had so long composed the chief part of the history, both of the northern and the southern settlements. In the hope of accomplishing this desirable object, the proprietaries, on the deposition of Sothel, intrusted the government of the whole of their settlements to Colonel Philip Ludwell, a person totally unconnected with the province, and with any of the parties it contained, and who had been sent by his countrymen in Virginia to England, to present the complaints of this province against Lord Effingham. The proprietaries directed their new governor to publish to the inhabitants a general pardon for all crimes that

Endeavours of the proprietaries to restore good order.

5 Hewit, i. 103. Chalmers, 551, 552. Williamson, i. 142, 143. Sothel left an ample estate, which, however, sustained no small diminution after his death from numerous decrees in favour of parties whom he had pillaged or defrauded. But the other proprietaries, in suing for a large amount of rents which he had recovered and embezzled, were nonsuited on the absurd existing maxim of the English law, that tenants in common could not bring actions of account against each other. It was not till the reign of Queen Anne that this iniquitous regulation was repealed.

BOOK IV.

1692.

had been formerly committed; to inquire into the grievances they might complain of; and to report to themselves the measures he should judge best calculated to preserve order and restore happiness. He was accompanied by Sir Nathaniel Johnson, who had been general of the Leeward Islands in the preceding reign, and who, having now adopted the resolution of retiring to Carolina, was appointed a cazique of the province, and a member of council. Ludwell, who was a man of sense and humanity, and possessed considerable experience of colonial affairs, commenced his administration in a manner that gave general satisfaction, and seemed to have completely allayed the prevailing ferments of the people. But this tranquillity was of short duration: the minds of men had been too long and too violently agitated to relapse at once into a settled composure; and a circumstance that at first promised to produce the happiest effects on the prosperity of the province, proved the immediate occasion of the revival of public discontents. In the year 1690, a great body of French protestant exiles had taken refuge in England, whence a considerable number of them had been conveyed, at the expense of the British government, to the colony of Virginia. Others, who were less indigent, purchased lands in South Carolina, and having transported themselves and their families to this province, brought a valuable accession to the numerical strength, as well as to the industry and morality of its people. They had taken the oath of allegiance to the king, and promised fidelity to the proprietaries; and were disposed to regard the colonists whom they had joined in the friendly light of brethren and fellow-citizens. But, unhappily, these older colonists were very far from regarding their new associates with corresponding good-will. The numbers of the strangers, and the wealth by which some of them were distinguished,

excited their suspicion and national antipathy: and when Ludwell, in compliance with the instructions of the proprietaries, prepared to admit the refugees to a participation in all the franchises and immunities of the other planters, the English and native inhabitants refused to acquiesce in this measure, and resolutely opposed its execution. They insisted that it was contrary to the laws of England, and therefore beyond the power of the proprietaries, who were subject to these laws; and that no power but that of the British parliament could dispense with the legal inability of aliens to purchase lands within the empire, or incorporate them into the British community, and make them partakers of the rights and privileges of natural-born Englishmen. They even maintained, that the marriages of the refugees, performed by the clergymen who had accompanied them, were unlawful, as being celebrated by men who had not obtained episcopal ordination: and, for themselves, they declared that they could not brook the thoughts of sitting in the same assembly with the rivals of the English nation, or of receiving laws from Frenchmen, the pupils of a system of slavery and arbitrary government. The unfortunate refugees, alarmed by these menacing resolutions, implored the protection of the proprietaries; and Ludwell found it necessary to suspend the measure he had begun, and to apply to the same quarter for further directions. The proprietaries returned a friendly but indecisive answer to the application of the refugees, who continued in a state of the most disagreeable solicitude, and entire privation of civil rights, for several years after: when at length their humane and patient demeanour prevailed over the antipathy of their former adversaries, who then became the advocates of the pretensions they had so vehemently opposed, and passed a law of naturalization in favour of the aliens, without being dis-

Naturalization of French refugees resisted by the colonists.

BOOK IV.

1692.

turbed by any scruples about invading the functions of the British parliament. In the meanwhile, the dispute that had arisen on this subject was productive of a great deal of irritation in the province, which was increased by the arrival of a crew of pirates, whom Ludwell caused to be apprehended and brought to trial for their crimes. The people exclaimed against the severity of this proceeding, and interested themselves so effectually in behalf of the pirates, who, previous to their apprehension, had spent a great deal of money very freely in the province, that on their trials they were all acquitted[6], and the government was even compelled to grant them an indemnity. It was not till more than twenty years after this period, that Carolina was delivered from the resort of pirates, and not till after a series of bloody executions, at the last of which no fewer than forty of these naval robbers were put to death at once. Further disputes now arose between the government and the inhabitants about the arrears of the quit rents that were due to the proprietaries, who at length becoming impatient of this untoward issue of Ludwell's administration, and suspecting him of bending too readily to the popular will, deprived him of his office, and conferred it, together with the dignity of landgrave, upon Thomas Smith, a wealthy planter, and a prudent, upright, and popular man[7].

[6] A few years after this period, some of the citizens of London appear to have been infected with a similar favour for pirates. In the year 1696, several of these freebooters were acquitted at the Old Bailey, by a verdict which Chief Justice Holt declared was "a dishonour to the justice of the nation." State Trials, xiii. 460.

[7] Archdale, 14. Oldmixon, i. 342. Chalmers, 552. Hewit, i. 108—118. 139, 140. Williamson, i. 150, 1. In the account of the succession of governors, the annals of this period are involved in mutual, frequently in self contradiction, and confusion. Williamson says that Ludwell retained the government for four years: but this is impossible; as Archdale, the successor of Smith, was appointed in 1694. Oldmixon renders confusion more confounded by his attempt to reconcile contradictory accounts, and to explain satisfactorily the sequence of governors. The historian of the British dominions in North America delivers his account of the matter in the following terms: "Thomas Smith, Esq. succeeded Mr. Colleton properly as governor, although Colonel Quarry, Mr. Southwell, and Colonel Ludwell, were intermediate for a short time."

CHAP. II.

1693.

It was in the midst of these disputes, and with the hope of appeasing them, that the proprietaries at length determined to surrender to the general dislike of the people, the fundamental constitutions which had been originally declared sacred and unalterable, but which an experience of twenty-three years had proved to be utterly worthless and impracticable. Apprised of the incurable aversion with which this instrument was now regarded by all classes of the colonists, and despairing of ever establishing a stable or acceptable government among them without making some considerable sacrifice to their inclinations, they accordingly enacted the following resolution: "That, as the people have declared they would rather be governed by the powers granted by the charter, without regard to the fundamental constitutions, it will be for their quiet, and the protection of the well-disposed, to grant their request[8]." Thus perished the legislative labours of John Locke. Their abolition was unregretted by any party; for they had neither insured obedience to the government, nor afforded happiness to the people. What is still more singular, they seem to have perished unheeded[9]; their abolition exciting no sensation whatever, and not being even noticed in any public act or order within the province. The convocations that were formerly termed parliaments, were now called assemblies[1]; and this was all the visible change that took

April. The fundamental constitutions abolished.

[8] Chalmers, 552. Williamson, i. 142.

[9] The repeal of the fundamental constitutions is noticed in a very slight and ambiguous manner by Hewit (i. 109): it is not noticed at all either by Wynne or by the historian of the British Dominions in North America; and Oldmixon, who wrote in 1708, says, "The fundamental constitutions keep their ground to this day." i. 342. Yet Oldmixon's work, as it is the earliest, is also, next to the Political Annals of Chalmers, the most elaborate, as well as ingenious and interesting, of the general histories of the North American Settlements. A remarkable instance of the ignorance that prevails respecting Locke's connexion with America occurs in the work of a traveller who visited the United States in 1794, and who asserts (on the authority of the American General Gates), that Locke was the legislator of Connecticut. Wansey's Journal, p. 59.

[1] Williamson, i. 164.

BOOK IV.

place. So perfectly impracticable had the great body of these celebrated constitutions been found. All
1693. that remained of them was the titles of nobility, which continued to drag on a sickly existence for a few years longer [2].

This important measure, which had been deferred till the constitutions which it repealed had been practically abrogated by their own inefficacy, and sunk into utter contempt, failed to produce any sensible effect in tranquillizing or conciliating the inhabitants of Carolina. Governor Smith, though he exerted himself with a zeal and prudence that have not been impeached by any party, to promote the peace and prosperity of the settlements intrusted to his care, found his endeavours so unsuccessful, and his situa-
1694. tion so irksome, that he was constrained to solicit his dismission from the proprietaries, whom he strongly urged, as the only means of restoring order and tranquillity, to send over as governor one of their own body, invested with full power to hear and finally determine on the spot the complaints and controversies by which the province was distracted. The short administration of Smith was signalised by an occurrence that produced lasting and extensive effects on the prosperity of Carolina. A vessel from Madagascar, on her homeward voyage to Britain, happening to touch at Charlestown, the captain, in acknowledgement of the civilities of Smith, presented him with a bag of seed rice, which he said he had seen growing in eastern countries, where it was deemed excellent

[2] The operation and fate of Locke's system strikingly exemplify the observation of an eminent American statesman, that "A man may defend the principles of liberty, and the rights of mankind, with great abilities and success, and yet, after all, when called upon to produce a plan of legislation, he may astonish the world with a signal absurdity." Adams' Defence of the American Constitutions, *p. 365.* Yet some writers (and among others the author of a valuable little biographical work lately published at Edinburgh) have not scrupled to pronounce the constitutions of Carolina *a model of legislative wisdom.* So dangerous is it to judge works without reading them, and to assume their merit from the general character of their authors.

food, and yielded a prodigious increase. The governor divided it between several of his friends, who agreed to make the experiment; and planting their parcels in different soils, found the result to exceed their most sanguine expectations. From this inconsiderable beginning, Carolina dates the rise of her staple commodity, the chief support of her people, and the main source of her opulence [3].

CHAP. II. 1694.

The proprietaries, disappointed in so many attempts to establish a satisfactory administration in the province, determined the more readily to adopt the suggestion of Smith. Their first choice for this purpose fell upon Lord Ashley, the grandson of the notorious Shaftesbury, and afterwards the author of *The Characteristics*. It was supposed that his shining talents, agreeable manners, and elevated rank, would powerfully conduce to the pacification of the colony. Happily, however, for all parties, his lordship, either having little inclination for the voyage, or being detained, as he alleged, by the state of his private affairs in England, declined the appointment, which was then conferred on a far more estimable person, John Archdale, another of the proprietaries, a quaker, and a man of great prudence and sagacity, and endowed with admirable patience and command of temper. Accepting the office, he was vested with authority so absolute and extensive, that the proprietaries thought fit to have it recorded in his commission, that such powers were not to be claimed in virtue of this precedent by future governors. Archdale proved himself worthy of the distinguished trust that had been reposed in him. He arrived first in South Carolina, where he formed a new council of moderate men; and in a short time, by remitting some arrears of rent, and by other conciliatory measures, aided by a firmness and mild composure that was neither to be

August, 1695. Wise administration of Archdale.

[3] Archdale, 14. Oldmixon, i. 342. Hewit, i. 118, 19. 128, 9.

BOOK IV.

1695.

disturbed nor overcome, he prevailed so far in quieting the public discontents, that he ventured to call a meeting of the general assembly. An address of grateful thanks voted by this body to the proprietaries (the first expression of such sentiments that had ever been uttered in Carolina) attests the wisdom of Archdale's administration, and justifies the opinion, that notwithstanding the inflammable materials of which the colonial society was composed, only a good domestic government had been hitherto wanting to render the colony flourishing and happy. Moreton, Ludwell, and Smith, were, doubtless, meritorious governors; but they had been denied the power that was requisite to give efficacy to their wisdom, and could never grant the slightest indulgence to the people without assuming the dangerous liberty of violating their commission, or abiding the tedious intervention of a correspondence with England. Though Archdale was a quaker, and therefore opposed to military operations and the shedding of blood, yet he adapted his regulations to the sentiments of the people whose affairs he had undertaken to administer; and considering that a small colony surrounded by savage enemies, and exposed to the attacks of the Spaniards, should hold itself in a state of constant defence, he promoted a militia law, which, however, exempted all persons restrained by religious principles from bearing arms [4]. He was, at the same time, more desirous of preserving peace than of ensuring victory; and for this purpose exerted himself so successfully, by the exercise of courtesy and liberality, to cultivate

[4] The following clause, by which this exemption was expressed, strongly attests the confidence that Archdale enjoyed with the colonists. "And whereas there be several inhabitants called quakers, who, upon a conscientious principle of religion, cannot bear arms, and because in all other civil matters they have been persons obedient to government, and ever ready to disburse their monies in other necessary and public duties: Be it therefore enacted, that all such whom the present governor, John Archdale, Esq. shall judge that they refuse to bear arms on a conscientious principle of religion only, shall, by a certificate from him, be excused." Archdale's Preface, p. 3. Williamson, i. Append. 272.

the good will both of the civilised and savage neighbours of the province, that the Spaniards at St. Augustine expressed a cordial desire to maintain a good correspondence with the English; and various tribes of Indians embraced their friendship, and placed themselves under the protection of the government of Carolina. The Indians around Cape Fear in particular, who had long pursued the practice of plundering shipwrecked vessels [5], and murdering their crews, renounced this inhumanity, and evinced the favourable change of their disposition by mitigating, with friendly assistance, the numerous disasters by which the navigation of that coast was then unhappily signalized. 1695.

In North Carolina, the administration of Archdale was attended with equal success, and conducted with greater facility by the concurrence of a number of quakers who inhabited the northern province, and with whom he enjoyed a large share of personal influence. The esteem in which he was held by all ranks of men may be inferred from the elation with which the historian of North Carolina has recorded, as a circumstance redounding to the honour of this province, that Archdale purchased an estate at Albemarle, and gave one of his daughters in marriage to a planter at Pasquetanke. But it was not his intention to remain longer in Carolina than was necessary for the adjustment of the existing controversies; and having effected this object in a degree that had surpassed the expectations of all parties, he returned to England in the close of the year 1696, loaded with

Restoration of general tranquillity. 1696.

5 It is remarked by a statistical writer (Warden, ii. 373), that notwithstanding the temptations presented by the frequency of shipwreck on the coast of Carolina, no instance has ever occurred of the plunder of a wreck by the colonists. In this respect they have been distinguished, not indeed from the people of the other provinces, but from the inhabitants of the parent state, in which this inhumanity obtained so long and unreproved a prevalence, that in the middle of the eighteenth century, Pope represents the enrichment "of a citizen of sober fame" as originating in two rich shipwrecks on his lands in Cornwall.

BOOK IV.

1696.

the grateful benedictions of a people to whose peace and prosperity he had been so highly instrumental. The only portion of the inhabitants to whom he had been unable to give complete satisfaction, were the French refugees, against whom the jealous antipathy of the English settlers had not yet subsided. But while he soothed the public jealousy by withholding civil rights from the refugees, he awakened public generosity by an impressive recommendation of these unfortunate strangers to the hospitality and compassion of his countrymen; and to the refugees themselves, he recommended a patient perseverance in those virtues that tend to disarm human enmity, and by the exercise of which they were enabled shortly after to overcome the aversion, and even conciliate the hearty friendship of their fellow-colonists [6].

It was in this year that a regular administration of the ordinances of religion was first introduced into Carolina, by the friendly aid of the colonists of New England. Intelligence of the destitute state of the province, in this respect, seconded by the earnest applications of some of the more religious planters, had induced the New Englanders, in the preceding year, to form an association at Dorchester in Massachusetts, which was designed to be removed to Carolina, "to encourage the settlement of churches and the promotion of religion in the southern plantations." The persons thus associated, having placed at their head a distinguished minister of the New England churches, arrived in the beginning of this year in Carolina, which now for the first time

[6] Archdale, 17. 21, 22. Oldmixon, i. 342—345. Hewit, i. 129—137. Williamson, i. 152—158, and Append. 270. Some years after his return to England, Archdale published his Statistical and Historical Description of Carolina, a work replete with so much good sense, benevolence, and piety, that it is surprising it should never have been reprinted. One or two very interesting volumes might be composed by republication of Josselyn's and Dunton's Travels in New England, Archdale's Carolina, Denton's New York, part of Smith's Virginia, Alsop's Maryland, Wesley's Journal in Georgia, and other tracts relative to the early history of America.

beheld the celebration of the rite of the Lord's supper. Proceeding to a spot on the north-east bank of Ashley river, about eighteen miles from Charlestown, the pious emigrants founded there a settlement, to which, in commemoration of the place they had left, they gave the name of Dorchester. CHAP. II. 1696.

Among other extraordinary privileges, there had been granted to Archdale the power of nominating his successor; and in the exercise of this power he propagated the benefit of his own administration, by conferring the office of governor on Joseph Blake (nephew of the English admiral), a man of virtue, prudence, and moderation, acceptable to the people, and a proprietary of the province. Blake governed the colony wisely and happily for a period of four years. Shortly after his elevation to office, there was sent out to Carolina a new code of fundamental constitutions, subscribed by the Earl of Bath, who was then palatine, and the other proprietaries in England: but it was never recognised or confirmed by the provincial assembly. Blake appears to have exerted the most laudable endeavours to promote the religious instruction of the people, and to facilitate the exercise of worship to all denominations of christian professors. In the year 1698, he had the satisfaction 1698. to see John Cotton, a son of the celebrated minister of Boston, remove from Plymouth, in New England, to Charlestown, in South Carolina, where he gathered a church, and enjoyed a short, but happy and successful ministry. Though Blake was himself a dissenter, yet from regard to the spiritual interests of the episcopalian portion of the inhabitants of Charlestown, he caused a bill to be introduced into the assembly for settling a perpetual provision of £150 a year, with a house and other advantages, on the episcopal minister of that city. Marshall, the person who then occupied this ministerial situation, had

BOOK IV. gained universal regard by his piety and prudence; and the dissenters in the house acquiescing in the measure, from regard to this individual, the bill was passed into a law[7]. Those who think that the dissenters acted amiss, and stretched their liberality beyond the proper confines of this virtue, in thus promoting the national establishment of a church from which they dissented, will regard the persecution they soon after sustained from the episcopal party as a merited retribution for their practical negation of dissenting principles. Those who judge more leniently, an error (if it be such) which there is little reason to suppose will be ever frequent in the world, will regret and condemn the ungrateful return which the dissenters experienced from a party for whose advantage they had incurred so great a sacrifice.

1698.

1700. With the administration of Blake, who died in the year 1700, ended the short interval of tranquillity which had originated with the government of Archdale. Under the rule of his immediate successors, James Moore and Sir Nathaniel Johnson, the colony was harassed with Indian wars, involved in a heavy debt by an ill conducted and fruitless expedition against the Spaniards at Augustine, and agitated by religious disputes originating in a series of persecuting laws against the dissenters. Henceforward the proprietary government continued (with the exception of one returning gleam of success and popularity which it derived from the administration of Charles Craven in 1712) to afflict the province with every variety of misrule, and to fluctuate between the aversion and contempt of its subjects, till they were relieved by its dissolution in the year 1729, when the

[7] Oldmixon, i. 345, 346. Wynne, ii. 258. Hewit, i. 140. Collections of the Massachusetts Historical Society, iv. 128, and ix. 156, 157. Holmes, ii. 27.

chief part of the chartered interests were sold to the crown. CHAP. II.

The first Indian war by which this period was signalized, broke out in the year 1703, and was occasioned by the influence of the Spaniards over the tribes that inhabited the region of Apalachia. Exasperated by the insults and injuries which these savages were instigated by the Spaniards to commit, Governor Moore determined by one vigorous effort to break their power, and by a sanguinary example to impress on all the Indian tribes the terror of the English name. At the head of a strong detachment of the colonial militia, reinforced by a body of Indian allies, he marched into the hostile settlements; defeated the enemy with the loss of eight hundred men, who were either killed or taken prisoners; laid waste all the Indian towns between the rivers Alatamah and Savannah; and compelled the whole district of Apalachia to submit to the English government. To effectuate his conquest, he transported fourteen hundred of the Apalachian Indians to the territory which is now denominated Georgia, where they were compelled to dwell in a state of dependence on his government—a measure which appears to have paved the way to the settlement of the English colony which arose about thirty years after in that region[8]. 1703.

When the proprietaries of Carolina first undertook their colonial project, they solemnly declared, and caused it to be recorded in their charters, that they were moved to embrace this great design by zeal for the christian faith, and especially for its propagation among the Indian tribes of America. Yet a general provision in favour of toleration, which they permitted Locke to insert as an article of the fundamental constitutions, and which they took care to nullify by another article adjected to that instrument Ecclesiastical condition of the province.

[8] Modern Universal History, xl. 431. Hewit, i. 156.

BOOK IV.

by themselves, constituted the whole amount of their ecclesiastical operations during the first forty years of the proprietary government. They never at any time made the slightest attempt to fulfil their pledge of communicating instruction to the Indians: and this important field of christian labour was completely unoccupied till the beginning of the eighteenth century, when a few missionaries were sent to Carolina by the society incorporated in England for the propagation of the gospel in foreign countries. No visible fruits of the labours of those missionaries have ever been mentioned. Prior to this, the only European instructions that the Indians received under the auspices of the proprietary government, were communicated by a French dancing master, who settled in Craven county, and acquired a large estate by teaching the savages to dance and play on the flute [9].

At the close of the seventeenth century, there were only three edifices for Divine worship erected within the southern province; containing respectively an episcopal, a presbyterian, and a quaker congregation; and all of them situated in the town of Charlestown. Throughout all the rest of the province, there were neither institutions of public worship nor schools for education. The first attempts that were made to supply these defects proceeded not from the proprietaries, but from Tennison, Archbishop of Canterbury, Compton, Bishop of London, and the society for the propagation of the gospel: but as in most of these attempts the paramount object was plainly to multiply adherents to the institutions of the church of England, they were the less successful among a people of whom many had personally experienced the persecution of this church, and more entertained

9 Hewit, i. 227. Oldmixon, i. 379. Oldmixon was struck with the singularity of French dancing masters and musicians being admired, caressed, and enriched at the same time by the nobility and gentry of London and the savage aborigines of America.

a hereditary dislike to it. In the year 1707, the society for propagation of the gospel maintained six episcopal ministers in Carolina, and had sent two thousand volumes of books to be distributed gratuitously among the people. In the northern province, which was thinly peopled by colonists professing a great diversity of religious opinions, there was as yet no church at all. An act was passed by its assembly in the year 1702, imposing an assessment of £30 per annum on every precinct, for the maintenance of a minister; and in 1705 and 1706 the first two religious edifices of North Carolina were erected. This northern province had for many years received from the proprietaries the appellation of *the county of Albemarle in Carolina*, and was sometimes, but not always, included in the commission of the governor of the southern settlement. It now came to be termed the colony of North Carolina; and at the dissolution of the proprietary government, was made a separate province with a distinct jurisdiction [1].

CHAP. II.

At length, after having so long disregarded the ecclesiastical concerns of the colony, the proprietaries, in the beginning of the eighteenth century, turned their attention to this object with a spirit that caused the cessation of their prior indifference to be deeply regretted; and they made their first and last effort to signalize their boasted zeal for christianity, by the demonstration of a temper and the adoption of measures in the highest degree unchristian and tyrannical. The office of palatine was now in the hands of Lord Granville, who entertained the utmost aversion and contempt for dissenters of all descriptions, and had already signalized his bigotry to the church of England, by the zealous and vehement support he had given in parliament to the bill against occasional con-

Intolerant proceedings of the proprietaries.

[1] Oldmixon, i. 372. Hewit, i. 146—148. 192. Williamson, i. 161, 162. 167, 168.

BOOK IV.

formity[2]. His acquisition of the office of palatine presented him with an opportunity of indulging his favourite sentiments in the regulation of the ecclesiastical polity of Carolina. Contemning the remonstrances, and overruling the opposition of Archdale, he eagerly laid hold of so fair an occasion to exercise his bigotry; and in Moore and Johnson, on whom he successively bestowed the government of the province, he found able and willing instruments for the execution of his arbitrary purpose. These men, notwithstanding the great numerical superiority of the dissenters, by a series of illegal and violent proceedings acquired for themselves and a party of the episcopalian persuasion, a complete ascendancy over the provincial assemblies, which they exercised in the enactment of laws for the advancement of the church of England, and the oppression of every other christian association. After various preparatory measures, which, under the impudent pretence of promoting the glory of God, had the effect of banishing every vestige of peace and goodwill from a numerous community of his rational creatures, the episcopal faction, at length, in the year 1704, enacted two laws, by one of which the dissenters were deprived of every civil right, and by the other an arbitrary court of high commission (a name of evil import to Englishmen) was erected for the trial of ecclesiastical matters and the preservation of religious uniformity in Carolina. The society for propagation of the gospel, on receiving intelligence of the latter of these enactments, declared their resolution to send no more missionaries to Carolina till it should be repealed. Both the acts, however, having been ratified by the proprietaries, and the complaints of the dissenters treated with derision,

[2] This was a bill imposing severe penalties on any person, who, having conformed so far to the church of England as to entitle him to hold a civil office, should ever after attend a dissenting place of worship. It did not pass into a law.

these oppressed and insulted men were advised by the merchants of London who traded to the province, to seek redress of their grievances from the supreme power of the state. A petition for this purpose was accordingly presented to the House of Lords, who were struck with surprise and indignation at the tyrannical insolence of these despotic proprietaries and their provincial officers; and forthwith presented an address to Queen Anne, praying her royal repeal of the obnoxious laws, and recommending that the authors of them should be brought to condign punishment. The lords commissioners of trade, to whom the matter was referred by the queen, reported to her majesty, "that the making such laws was an abuse of the powers granted by the charter, and inferred a forfeiture of the same;" adding their humble advice that judicial steps should be adopted for having the forfeiture legally declared, and the government resumed by the crown[3]. The queen, thereupon, issued an order, declaring the laws that had been complained of null and void, and promised to institute a *quo warranto* against the charter; but this promise was never fulfilled[4]. It was alleged that the forfeiture of the charter was obstructed by legal difficulties arising from the minority of some of the proprietaries, who could not be made responsible for the acts of the rest; as if the inability of these hereditary rulers of mankind to afford protection to their subjects, had not been the strongest reason why they should be deprived of the power of exacting obedience from them. While incessant attempts were made by the

CHAP. II.

3 This report, among other signatures, has that of Prior the poet, who was one of the commissioners of trade at the time.

4 Oldmixon, i. 347—364. Hewit, i. 163—177. Preparatory to their address to the queen, the House of Lords passed a resolution containing these remarkable expressions: that the law for enforcing conformity to the church of England in the colony "is an encouragement to atheism and irreligion, destructive to trade, and tends to the ruin and depopulation of the province."

BOOK IV.

British government to deprive the New England states of the charters by which popular rights were preserved, this fair and legitimate occasion was neglected, of emancipating the people of Carolina from a patent which had confessedly been made subservient to the most odious oppression and intolerance: and even after the proprietaries had publicly declared (as they were soon after constrained to do) that it was not in their power to defend the province against the Indians by whose attacks it was menaced, the proprietary government was suffered to subsist, perhaps with the view of bringing colonial charters into discredit, until it sunk under the weight of its own weakness and incapacity. It was in the year 1706, that the intolerant policy of Lord Granville received this signal check; and, from this period, the dissenters were permitted to enjoy, not indeed the equality which they had originally been encouraged to expect, but a simple toleration. In the following year, an act of assembly was passed in South Carolina for the establishment of religious worship according to the forms of the church of England: by this act the province was divided into ten parishes, and provision made for building a church in each parish, and for the endowment of its minister. The churches were soon after built, and supplied with ministers by the English Society for the propagation of the gospel[5].

Condition of the people —manners —trade, &c.

The progress of population is, if not the most certain, one of the most interesting tests of the prosperity of a state; but it is a test not easily applicable to communities subject, like all the American colonies, to a continual but irregular influx and efflux of people. The population of North Carolina appears to have sustained a severe check from the troubles and confusions that attended Culpep-

[5] Humphrey's Hist. Acc. of the Society for propagating the Gospel, p. 128.

per's insurrection and Sothel's tyranny, insomuch that, in the year 1694, the list of taxable inhabitants was found to contain only seven hundred and eighty-seven names, about half the number that had been in the colony at the commencement of Miller's administration[6]. Frequent emigrations were made from the northern to the southern province[7]; and we must conclude that the diminution of inhabitants ascertained in 1694 had been effected in this manner; since, prior to the year 1708, only two persons (a Turk for murder, and an old woman for witchcraft) had been executed in North Carolina[8]—a fact which, considering the violent convulsions that the province had undergone, appears highly creditable to the humanity of the people. In the beginning of the eighteenth century, North Carolina received an accession to its inhabitants, first from a body of French refugees, who removed to it from Virginia, and afterwards from a colony of Germans, who, many years before, had been expelled from their homes by the desolation of the palatinate, and since experienced a great variety of wretchedness and exile[9]. In the year 1710, its whole population amounted to 6000 persons[1], but of these not 2000 were taxables. There was no court-house in North Carolina before the year 1722; the assemblies and general courts till then being convened in private houses. Printing was unknown in either of the provinces, and the laws were published by oral proclamation. Debts and rents were generally made payable in hides, tallow, furs, or other productions of the country. In the year 1705, it was enacted by law that marriages should be celebrated by the

CHAP. II.

[6] Williamson, i. 144.
[7] Lawson's Hist. of Carolina, p. 80.
[8] Williamson, i. 177.
[9] Williamson, i. Cap. vi.
[1] Warden, ii. 372. In the year 1717, the taxables amounted to 2000. Williamson, i. 207.

BOOK IV.

ministers of religion; but magistrates were permitted to perform this office in parishes unprovided with ministers. The executive power within the province was feeble and inefficient; partly in consequence of the state of dispersion and the lazy plenty in which the bulk of the inhabitants lived, and partly from the worthless or insignificant characters of many of the executive officers[2]. In the year 1709, Cary, the collector of the proprietary quit-rents, resolving to appropriate the amount of his collections, found it easy, with the aid of a few idle and dissolute partisans, to maintain himself in a state of opposition to the proprietary government, and suspend the operations of justice. The people, though they neither approved nor abetted his lawless proceeding, offered no resistance to it; and the governor, unable to reduce him to obedience, made application for assistance from Virginia, where some regular troops were quartered at the time. On the approach of a small party of these forces, Cary fled the colony, and his partisans dispersed[3]. In the year 1712, this province sustained a severe and dangerous blow from a conspiracy of the Coree and Tuscorora tribes of Indians, who, resenting a real or supposed encroachment on their hunting lands, formed an alliance and project, with amazing secresy and guile, for the total destruction of the European settlement. A general attack, in which a hundred and thirty-

[2] In 1701, Porter indicted a man for calling him "a cheating rogue." The defendant justified the words, and, proving that they were properly applied, was acquitted, and allowed his costs from the prosecutor. Yet, a few years after, Porter was appointed a proprietary deputy and member of council. Williamson, i. 209, 210. In 1726, Burrington, who had previously held the office of governor, and afterwards held it again, was indicted for defamation, in saying of the existing governor, Sir Richard Everard, that "he was no more fit for a governor than Sancho Panza," and for riotously threatening to scalp "his d—d thick scull." Ib. ii. 228. Two years after, the grand jury *present Sir Richard the governor* for having with his cane twice or thrice struck George Allen." Ib. 241.

[3] Williamson, i. Cap. v.

seven of the colonists were massacred in one night[4], gave the first intelligence of their hostility. Happily, the alarm was given before the work of destruction had proceeded farther; and, after an obstinate resistance, the colonists were able to keep the enemy in check till a powerful force was despatched to their assistance by the governor and assembly of the southern province. An expedition was then undertaken by the combined forces of the two provinces against the hostile Indians, who were defeated with great slaughter, and compelled to abandon the country. The assembly of South Carolina voted £4000 for the service of this war; and, during the continuance of it, the assembly of the northern province was compelled to issue £8000 in bills of credit. A few months after its termination, North Carolina showed her willingness to repay the seasonable aid she had derived from the sister province, and despatched a body of troops to her assistance against a hostile movement of the Indians in that quarter. During the war in North Carolina, the people fled from the province in such numbers, that, to prevent its total desertion, a law was passed, prohibiting any one from quitting its territory without a passport from the governor. In confirmation of this edict, the governor of Virginia issued a proclamation, commanding that all fugitives from Carolina without a passport should be apprehended and compelled to return[5].

The population of South Carolina, in the year 1700, is said to have amounted to no more than

[4] The Indians took a number of prisoners on this occasion, among whom were John Lawson, author of a descriptive account, which has been improperly termed a History of Carolina, and who had been appointed surveyor-general of the province, and Baron Graffenried, the leader of the palatine emigrants. Lawson was murdered at leisure by the savages; but Graffenried extricated himself from the same fate, for which he had been designed, by declaring that he was the king of a distinct tribe, lately arrived in the province, and totally unconnected with the English.

[5] Hewit, i. 201—4. Williamson, i. Cap. vi.

BOOK IV.

5500 persons, a computation probably short of the truth. In the year 1723, it amounted to 32,000, including 18,000 slaves[6]. For several years after the first colonization of the territory, there were very few negro slaves in Carolina; but the demand for them was increased by the increasing cultivation of rice, which was thought too unhealthy and laborious for European constitutions[7]; and the slave ships of Great Britain encouraged the demand by the readiness with which they supplied it. At the close of the seventeenth century, Charlestown was already a flourishing town, containing several handsome edifices, a public library, and a population of 3000 souls[8]—more than half of the total population of the province. No printing press was established in Carolina till thirty years after.

When the difficulties attending the establishment of the first settlers in Carolina had been in some degree overcome, the fertility of the soil, the cheapness of provisions, and the agreeableness and general salubrity of the climate, afforded the highest encouragement to national increase. Families of ten and twelve children were frequently seen in the houses of the colonists at the close of the seventeenth century[9]; and, though some parts of both the provinces were for a time infected with severe epidemical diseases, and others still continue to be unfavourable to health at particular seasons, yet the statistical accounts and the registers of mortality amply demonstrate that the climate of the whole region is in the main highly conducive to the preservation, as well as to the production of life. The salubrity of these, as well as of the other colonial settlements, has been greatly promoted by the progress of industry, in opening the woods, draining the marshes, and con-

[6] Warden, ii. 413. [7] Hewit, i. 120. [8] Oldmixon, i. 372, 373.
[9] Ibid. i. 373. 380.

fining the streams within a certain channel. Yet the influence of cultivation has been by no means uniformly favourable to health in the Carolinas; and much of the disease with which they are afflicted at certain seasons is ascribed to the periodical inundations which the culture of the rice lands requires [1].

During the infant state of the colony, the proprietaries sold the land at twenty shillings for every hundred acres, and sixpence of quit rent. They raised the price in the year 1694 to thirty shillings; and in 1711, to forty shillings for every hundred acres, and one shilling of quit rent [2]. Lawson, who travelled through Carolina in the year 1700, celebrates the courtesy and hospitality of the planters; but represents an aversion to labour, and a negligent contentment with present advantages, as qualities very prevalent among them. Fruit, he says, was so plentiful that the hogs were fed with peaches [3]. The Carolinians have always been characterised by a taste for idleness, and a strong predilection for the sports of the field. The disposition that was evinced at a very early period of the history of these provinces, to treat insolvent debtors with extreme indulgence, has continued ever since to be a feature in their legislation, and has been thought to encourage a loose and improvident aptitude to contract debts [4]. The most serious evils with which the two provinces have been afflicted have arisen from the abuse of spirituous liquors, the neglect of education, and the existence of negro slavery. It was long before institutions for

[1] Warden, ii. 374. 415. Dr. Williamson (vol. ii. cap. 13) has clearly proved that the *immediate* effects of the extirpation of wood in Carolina have always been unfriendly to health, from the exposure to the sun of a surface of fresh land covered with vegetable produce in a state of decay.

[2] Williamson, i. 205, 206.

[3] Lawson, p. 63. 83. 164. Archdale (p. 7) speaks in nearly the same terms of the fertility of Carolina. Blome (p. 153) states, that the province, in 1686, contained many wealthy persons, who had repaired to it in a state of great indigence.

[4] Warden, ii. 418.

BOOK IV.

the education of youth were generally established in Carolina; the benefits of knowledge were confined entirely to the sons of wealthy planters, who were sent to the colleges of Europe, or to the seminaries in the more northern states; and the consequent ignorance of the great bulk of the people, together with the influence of a warm climate, and the prevalent aversion to industry (increased by the pride which the possession of slaves inspires, and the discredit which slavery brings on labour), promoted an intemperate use of ardent spirits, which contributed additionally to deprave their sentiments, habits, and manners. It was in North Carolina that all the evils which I have enumerated (except those arising from negro slavery, and which are more deplorable perhaps than all the rest) prevailed longest and most extensively[5]. The improvement that after times have witnessed in all these respects, has been considerable in both the provinces; and the inhabitants of South Carolina, in particular, have long been distinguished for the cultivation of literature, the elegance of their manners, and their polite hospitality[6].

In every community where slavery exists, the treatment which the slaves experience will be regulated in no small degree by the proportion which they bear to the numbers of the free, and the apprehensions which they may consequently be capable of inspiring. No passion has a more dreadful or insatiable appetite, or prompts to more unrelenting cruelty, than fear; and no apprehension can be more selfish or more provocative of inhumanity, than that which is inspired in men's bosoms by the danger of

[5] In March, 1720, "the grand jury of Albemarle presented thirty-six persons, viz. seven for drunkenness, eight for profane swearing, seven for breaking the Sabbath, four for adultery, five for stealing or mismarking hogs, three for breaking the peace, and two for selling liquor without license." Williamson, i. 211. It was an unfortunate supposition (whether well or ill founded) that was at one time entertained, that the water of Carolina possessed deleterious qualities which an infusion of rum was necessary to counteract.

[6] Warden, ii. 418. 437. 439.

retaliation for the injustice which they are continuing to inflict. In South Carolina, for a very considerable period, the number of the slaves bore a greater proportion to that of the whole population than in any of the other North American colonies. From the year 1720 till the year 1765, the slaves in this state continued greatly and increasingly to out-number the white inhabitants[7]. The consequence of this state of things was, that the slaves of the South Carolina planters were treated with extreme severity; and, in the year 1739, they formed a conspiracy for a general massacre of their masters, and proceeded to carry their design into effect by a dangerous insurrection, which was suppressed with the utmost difficulty, and punished by an exacerbation of the cruelty that had provoked it. The discontents of the slaves in this state proved a formidable auxiliary to the hostile designs of the neighbouring Spaniards, who were not wanting in endeavours to turn it to their advantage. After the American revolution the farther importation of slaves into South Carolina was forbidden by law[8]; and the proportions between the freemen and the slaves underwent a change highly promotive of the security and humanity of the one, and of the comfort and consideration enjoyed by the other[9]. Neither

[7] From Warden's population tables it appears that, in the year 1734, they outnumbered the freemen in the proportion of 4 to 1; a relative proportion never at any other time known in an American province, though far short of what prevails in many of the British West India settlements.

[8] Indeed, a law to the same effect had been enacted by the assembly of South Carolina several years before the revolution; but it was disallowed by the royal governor as contrary to the policy, and injurious to the trade, of Great Britain.

[9] Wynne, ii. 541—543. Hewit, ii. 14. 72—74. 93—97. Warden, ii. 413. 436. Traces of the cruelty with which slaves were anciently treated in South Carolina have lingered, it must be confessed, till a very late period, both in the laws of this province and the manners of its inhabitants. Slaves are, or till very lately were, burned alive for murder, burglary, or fire raising. In the year 1808, two negroes were actually burned alive over a slow fire in the market-place of Charlestown. Bristed's "America and her Resources," p. 155. "The grand jury of Charlestown, for the term of January, 1816, reported, as a most serious evil, that instances of negro homicide were common within the city for many years; the parties exercising unlimited control as masters and mistresses indulging their cruel passions in the barbarous treatment of slaves," &c. &c. "and thereby bringing on the community, the state, and the city the contumely and

BOOK IV.

here nor in any other country with whose history I am acquainted, have the protestant episcopal clergy ever distinguished themselves by exertions to mitigate the evils of slavery. Wherever a protestant episcopal church has been established by law, the only ministers of the gospel who have shown themselves the friends of the outcasts of the human race, have been methodists, Moravians, or dissenters of some other denomination. It has not been so in countries where the catholic church has prevailed. The priests of this persuasion have always constituted themselves the defenders and patrons of Indians and negro slaves. Perhaps this has arisen in part from the peculiarities of sentiment and habit by which the catholic priests are separated from the rest of mankind, and which may lessen in their estimation the differences of temporal condition by which the laity are distinguished.

It does not appear from the earlier annals of Carolina in what manner the provincial assemblies were constituted, or to what amount of property political franchises were attached. All the executive officers were nominated by the proprietaries, who specified the amount of the salaries in the warrants of appointment. Such was the difficulty of collecting money or produce, especially in the northern colony, that the proprietaries were frequently obliged to grant assignations of lands or quit rents to their officers in order to secure the performance of their duties. Sir Nathaniel Johnson, who was appointed governor of Carolina in the year 1702, received a warrant for a salary of £200 a year. The other cotemporary

reproach of the civilised world." Warden, ii. 437. They who entertain such a sense of the evil, will, it may be hoped, in time find a cure for it.

What strange inconsistencies may coexist with even the worst evils of slavery, is strikingly evinced in the life of that distinguished Roman who united all the abstractions and refinements of Pythagorean philosophy with the most odious inhumanity to his slaves. Plutarch's Life of Marcus Cato.

officers had salaries, of which the highest was £60, and the lowest £40 a year. The governor's salary was doubled in the year 1717 [1]. CHAP. II.

Carolina, by its amazing fertility in animal and vegetable produce, was enabled, from an early period, to carry on a considerable trade with Jamaica, Barbadoes, and the leeward islands, which, at the close of the seventeenth century, are said to have depended in a great measure on this colony for their means of subsistence [2]. Its staple commodities were rice, tar, and, afterwards, indigo. Oldmixon, whose history was published in the year 1708, observes, that the trade of the colony with England had of late obtained a great increase; "for notwithstanding all the discouragements the people lie under," he adds, "seventeen ships came last year laden from Carolina with rice, skins, pitch, and tar, in the Virginia fleet, besides straggling ships [3]."

By an act that was passed in the year 1715, every planter of Carolina was ordered to purchase and enclose a burial ground for all persons dying on his estate; and, before interment of any corpse, to call in at least three or four of his neighbours to view it, for the purpose of further inquiry in case of any suspicious appearance [4]. It has been noted, from an early period, as a peculiarity in the manners of many of the American provinces, that funerals are conducted with a degree of pomp and expense unknown to the usages of Europe. In some of the states, laws were enacted from time to time to restrain this vain and ill-timed prodigality [5]. In none of them has it been carried to a greater extreme than in South

[1] Oldmixon, i. 381. Hewit, i. 161, 162. 234. Williamson, i. 164.
[2] Archdale, p. 7, &c.
[3] Oldmixon, i. 376. The materials of this statement seem to have been derived from Archdale, 11.
[4] Laws of Carolina, 1715, cap. 47.
[5] Holmes, ii. 97. Hawksley's Memoirs of President Edwards, p. 188, 189.

BOOK IV.

Carolina, where the interment of the dead has been generally combined with a luxurious entertainment and a profusion of good cheer to the living [6].

[6] Winterbotham, iii. 255. "In short, the scripture observation, *It is better to go to the house of mourning than to the house of feasting*, is unintelligible, and wholly inapplicable here, as it is difficult to distinguish the one from the other." Ibid.

BOOK V.

NEW YORK.

BOOK V.

NEW YORK.

CHAPTER I.

Hudson's Voyage of Discovery.—First Settlement of the Dutch at Albany.—The Province granted by the States-General to the West India Company of Holland.—The Dutch Colonists extend their Settlements into Connecticut. —Disputes with the New England Colonies.—Delaware first colonized by the Swedes.—War between the Dutch and Indians.—Farther Disputes with New England.—Designs of Charles the Second.—Alarm and Efforts of the Dutch Governor.—The Province granted by Charter to the Duke of York—invaded by an English Fleet—surrenders.—Wise Government of Colonel Nichols.—Holland cedes New York to England—recaptures it—finally cedes it again.—New Charter granted to the Duke of York.—Arbitrary Government of Andros.—Discontent of the Colonists.—The Duke consents to give New York a Free Constitution.

New York is distinguished from the other colonial settlements whose history we have already considered, both by the race of its first European settlers, and the mode of its annexation to the dominion of Britain. In all the other provinces, the first colonists were Englishmen, and the several occupations of American territory and corresponding extensions of the British empire, were the enterprises of English subjects, impelled by the spirit of commercial adven-

BOOK V.

ture, inflamed with religious zeal, or allured by ambitious expectation. The people of England had derived, in all these instances, an increase of their commercial resources, and the crown an enlargement of its dominion, from the acts of private individuals, sanctioned no doubt by the approbation of public authority, but wholly unaided by the funds or forces of the community. But the territory of New York was originally colonized, not from England, but from Holland; and the incorporation of it with the rest of the British dominions was effected, not by settlement, but by conquest; not by the enterprise of individuals, but by the forces of the state. It is a singularity still more worthy of remark, and illustrative of the slender influence of human views and purposes in the pre-adjustment and connexion of events, that this military conquest proved the means of establishing a colony of quakers in America; and the sword of Charles the Second, in conquering an appanage for his bigot brother, prepared a tranquil establishment in New Jersey and Pennsylvania, for the votaries of peace, toleration, and philanthropy.

The pretensions of the Dutch to this territory were certainly, from the first, more consistent with natural justice than with the law of nations, and the privilege which it attaches to priority of discovery. For if, on the one hand, the voyage of Cabot, and his general and indefinite visitation of the North American continent, preceded by more than a century the occurrence from which the Dutch occupation originated, there seems, on the other hand, a monstrous disregard of the rights of human nature, in maintaining that a claim, so precariously constituted, could subsist so long unexercised, and that a navigator, by casually approaching North America, in a vain and erroneous search of a passage to the

Indies, should acquire, for his countrymen, a right to prevent the whole continent from being inhabited for more than an hundred years. CHAP. I.

The prior right of England (yet unrecognized by the rest of the world) had produced no other permanent occupation than a feeble settlement on the distant territory of James River in Virginia; which had now subsisted for two years, when Henry Hudson, an Englishman, employed by the East Indian Company of Holland, set sail from the Texel for the discovery of a north-west passage to India. Having attempted in vain to accomplish the object of his voyage, he steered for Cape Cod, and entered the bay of Chesapeake, where he remarked the infant settlement of the English. He afterwards anchored his vessel off the Delaware, and proceeding thence to Long Island, sailed up the river Manhatan, on whose banks the chief fruits of his enterprise were destined to grow. Some authors have asserted that he sold his right to this territory to the Dutch: but the assertion is equally unproved and improbable; as he could convey to them no right which the voyage did not vest by a much better title in themselves. Several voyages were afterwards made from Holland to the river Manhatan, which, at first, was called the North River, but, in process of time, received the name of the able and enterprising navigator, by whom, if not originally discovered, it had been introduced for the first time to the acquaintance of the Dutch. This people now conceived that they had acquired a sufficient title to the adjacent territory, which they distinguished by the name of Nova Belgia, or New Netherlands [1]. The depending or recent conflicts of rival

Hudson's voyage of discovery. March, 1609.

1 Purchas, iii. 581, &c. Charlevoix, Hist. of New France, i. 221. Oldmixon, i. 117. Stith's Virginia, 75. Douglas's Summary, i. 204. Smith's History of New York, p. 2, 3. All these writers, except the first two, represent Hudson's voyage as having been performed in 1608, and under the authority of a British commission. But they are all mistaken. They seem not to have been

BOOK V.

provinces, and even rival nations, lent at one time to all the circumstances attending the first occupation of this territory, an interest which they have long ceased to possess, except in the estimation of antiquarians.

The favourable report that Hudson had given of the country having been confirmed by subsequent voyages, a body of Dutch merchants embraced the resolution of establishing a trading settlement within its confines; and the States-general promoted the enterprise by granting them a patent for the exclusive trade of Hudson's river. Encouraged by this act of favour, they proceeded, in the course of the same year, to appropriate a small portion of ground on the western bank of the river near Albany, where they erected a fort, and intrusted the government of the place to one Henry Christiaens. This feeble settlement had scarcely been established, when it was invaded by a Virginian squadron, commanded by Captain Argal, and returning from the conquest of the French possessions in the bay of Fundy. Argal claimed the territory occupied by the Dutch, as ap-

1614.

First settlement of the Dutch at Albany.

aware of the existence of any other authority, for the account which I have preferred, but that of Charlevoix; and Smith's opinion is obviously not a little influenced by the circumstance of Charlevoix being a French Jesuit, while Stith, who contradicts him, was an English, or at least a Virginian protestant minister. But the journals of all the voyages of Hudson are preserved in Purchas's collection: and they confirm Charlevoix, and contain the account I have adopted. From these journals also we may discover the cause of the error committed originally by Oldmixon, and from him transmitted to Stith and the others. Hudson's second voyage, in which he visited Nova Zembla, was made from London in 1608, and with an English commission. This has evidently been confounded with his third voyage in 1609 from the Texel. The employment of Hudson, and the date of his voyage, are correctly represented in a new work, of which the first portion has been very recently published:—The History of New York, by John Yates and Joseph Moulton, vol. i. part i. p. 202. 209.

This point has been the more eagerly contested, that some timid or servile civilians have doubted, if Holland, whose independence was not acknowledged by Spain till the beginning of 1609, could be regarded as previously admitted into the community of sovereign states, and capable of deriving rights from the law of nations. Sounder jurists, and more manly thinkers, have adjudged, indeed, that this privilege accrues to a people from the time when they publicly assert a claim to independence, which, though partially denied for a while, they finally succeed in causing to be generally recognized. But this doctrine is not necessary to the support of the interest of the Dutch in Hudson's discovery, which was some months posterior to the treaty with Spain.

pertaining of right to the British dominion in America; and the governor was compelled to obey a summons of surrender, and to stipulate allegiance to England, and tribute and subordination to the government of Virginia[2]. The states of Holland had too recently established an independence promoted by the aid, and recognised by the mediation of Great Britain, to make this outrage the cause of quarrel with a powerful ally, whose assistance they could not yet deem themselves strong enough to dispense with. They forbore, therefore, to take any notice of Argal's hostile proceedings: and it is even asserted by some writers, that, in answer to a complaint by the British court, of their intrusion into America, they denied that the settlement had been established by their authority, and represented it as the private act of a company of merchants. The same writers have alleged, that the Dutch, at the same time, besought the king to permit a few trading houses to be erected within *his* territories on Hudson's river, and that a permission to this extent was actually obtained. Whatever truth or falsehood there may be in these statements, it is certain that, in the year following Argal's invasion, a new governor, Jacob Elkin, having arrived at the fort with an additional complement of settlers, the claim of the English to the stipulated dependence was forthwith defied, and the payment of tribute successfully resisted. For the better protection of their independence, the colonists now erected another fort on the south-west point of Long Island: and two others were afterwards built at Good Hope, on Connecticut river, and at Nassau, on the east side of Delaware Bay. They continued for a series of years, in unmolested tranquillity, to mature their settlement, enlarge their numbers, and, by the exercise of their

CHAP. I.

1614.

1615.

[2] See B. I. cap. ii. *ante*.

BOOK V.

national virtues of patience and industry, to subdue the first difficulties and hardships of an infant colony [3].

The states of Holland, finding their commerce enlarge with the continuance of freedom and the enjoyment of peace, and observing that their subjects had succeeded in preserving the footing they had gained on Hudson's river, began to form the project of improving this settlement, and rendering it the basis of more general and extended colonization in America. With this purpose was combined the scheme of their celebrated West India Company, which was
1620. established in the year 1620, and to which, in pursuance of their invariable policy, of colonizing by the agency of exclusive companies, it was determined to commit the administration of New Netherlands. They seem to have watched, with an attentive eye, the proceedings of the English puritan exiles at Leyden [4], and viewed with alarm their projected migration to the banks of Hudson's river. Unable or unwilling to obstruct the design by an opposition which would have involved an immediate collision with the pretensions of Britain, they defeated it by bribing the Dutch captain, with whom the emigrants sailed [5], to convey them so far to the northward, that their plantation was finally formed in the territory of Massachusetts. This fraudful proceeding, though it prevented a rival settlement from being established on Hudson's river, discredited their own title to this territory, and proportionally enforced the title of Great Britain, which, in the same year, was again distinctly asserted and exercised by the grant of King James's

3 Oldmixon, i. 118. Stith, 133. Wynne, i. 170. Smith, 2, 3. See Note III. at the end of the volume. In the year 1624, the exports from New Netherlands were "four thousand beavers and seven hundred otters, estimated at 27,150 guilders." Hazard, i. 397.

4 See Book II. cap. i. *ante*.

5 Mather, B. I. cap. ii. § 6. Neal, i. 80. Hutchinson, i. 5. Oldmixon, i. 118.

patent to the grand council of Plymouth. The Plymouth patent, however, which was declared void in the following year by the English House of Commons, and surrendered a few years after by the patentees, seemed as little entitled to respect abroad as to favour at home: for, even if its disregard of the Dutch occupation should not be supposed to infringe the law of nations, it unquestionably merited this reproach by appropriating territories where the French, in virtue of previous charters from their sovereign, had already established the settlements of Acadie and Canada. The nullity of the Plymouth patent, in this last particular, was tacitly acknowledged by Charles the First, in 1630, when, at the treaty of St. Germain, he restored the French provinces which his arms had conquered in the preceding year. Whether the States of Holland considered the patent equally unavailing against their rights or not, they appear to have made a grant of the country which was now called New Netherlands to their West India Company, in the following year—the very year in which the English House of Commons protested against a similar patent of the same territory by their own monarch, as inconsistent with the general rights of their countrymen, and the true interests of trade. If the States-general, or the colonists of Hudson's river, were acquainted with this parliamentary proceeding, they made more account of the benefit that might accrue from it to their territorial claim, than of the rebuke it might be thought to convey to their commercial policy. Under the management of the West India Company, the settlement was soon both consolidated and extended. The city of New Amsterdam, afterwards called New York, was built on York Island, then known by the name of Manhattan; and at the distance of an hundred and fifty miles higher

CHAP. I.

November, 1620.

1621.

The province granted by the States-general to the West India Company of Holland.

BOOK V.

up the Hudson, were laid the foundations of the city of Albany [6].

What was the precise extent of territory claimed by the Dutch, as comprehended within their colony of New Netherlands, has been differently represented even by their own writers, some of whom have not scrupled to maintain that it embraced the whole country from Virginia to Canada. Whatever was its titular extent, which was probably unknown to the colonists themselves, they proceeded to enlarge their occupation far beyond their immediate use, and, by their intrusion into the Connecticut and Delaware territories, laid the foundation of their future disputes with the colonies of New England. While these powerful neighbours as yet possessed no other establishment but the small settlement of Plymouth, to which the artifice of the Dutch had consigned the English emigrants from Leyden, the local authorities at New Amsterdam attempted to cultivate a friendly, or at least a commercial correspondence with the
1627. English colony; and for this purpose despatched their secretary Rosier with a congratulatory communication to the governor of Plymouth. The English, from whose memory the fraud that had deprived them of a settlement at Hudson's river had not banished the recollection of Dutch hospitality at Leyden, received with much courtesy the felicitations of their successful rivals on the courage-

[6] Oldmixon, i. 118. Smith, 3. Chalmers, 569, 570. Chalmers questions the existence of the grant to the Dutch West India Company altogether. Though frequently referred to by Dutch writers, and by the governors of New Netherlands, it has never been published: and it was not till eight years after, that the West India Company sent out Van Twiller to assume the government in their behalf. But the authorities cited by Smith (p. 11), together with various circumstances in the subsequent history, seem to me to render Chalmers's doubts unreasonable. That the principal deed of grant was not at first transmitted to America, is no more than from its nature we should be led to expect. Its proper depository was in the archives of the Company in Holland. That no authenticated copy was sent, seems to have proceeded from the timorous and temporizing policy of the States-general.

ous struggle they had maintained with the difficulties of their situation [7]; and as some years had yet to elapse before Massachusetts became populous, and, before the English establishments in Connecticut were begun, the Dutch colonists were enabled to flatter themselves that their stratagem would not be resented, nor their settlement disturbed. They seem to have been aware of the reluctance of their government to exhibit publicly a title derogatory from the pretensions of Britain, and to have endeavoured to counteract the restraint which this policy might impose on their future acquisitions by the energy of their immediate occupation. Their first settlement was effected, apparently, without any equitable remuneration to the Indian proprietors of the land; and hence perhaps arose those dissensions with the Indians which afterwards produced a great deal of bloodshed. But when they extended their appropriations to Connecticut and Delaware, they were careful to facilitate their admission by purchasing the territory from its savage owners [8]. If their policy really was (as we may reasonably suppose, though we cannot positively assert), to supply a defective, or at least non-apparent title, by extent and priority of occupation, it was completely disappointed by the event: and when New England and Maryland began to be filled with inhabitants, the Dutch at length discovered that the early and immediate extent of their occupation only served to bring their rights the sooner into collision with the pretensions of neighbours more powerful than themselves; and to direct a severer scrutiny into a title which they were

1627.

The Dutch colonists extend their settlements into Connecticut.

[7] Smith, p. 5. Neal's New England, vol. i. p. 114. Collections of the Massachusetts Historical Society, vol. iii. p. 51, 52.

[8] Smith, p. 3. This is the assertion of the Dutch writers; and though Kieft, the governor of New Netherlands in 1638, declared in his remonstrance against the Swedish occupants of Delaware, that the possessions claimed by the Dutch there "had been sealed by their blood," (Smith, p. 4.) the two statements may be perfectly consistent with each other.

BOOK V.

unable to produce, which their detected stratagem had contributed to discredit, and which the length of their possession was yet unable to supply. These disagreeable results were not experienced till after the lapse of several years of uninterrupted peace; and during the administration of Wouter Van Twiller, who arrived at Fort Amsterdam as the first governor appointed by the West India Company[9], the Dutch colonists appear to have enjoyed a state of calm and monotonous ease. This state afforded no materials for history, and served but indifferently to prepare them for their impending contentions with men whose frames and spirits had undergone the discipline of those severe trials that befel the first settlers in New England[1].

1627.

1629.

Disputes with the New England colonies.

It was near the close of Van Twiller's administration, that the English colonists extended their settlements beyond the boundaries of Massachusetts into the territory of Connecticut; an intrusion which the Dutch governor resented no farther than by causing his commissary, Van Curlet, to intimate a harmless protest against it. He was succeeded in the following year by William Kieft, a man of enterprise and ability, but choleric and imperious in temper, unfortunate in conduct, and more fitted to encounter with spirit than to stem with prudence the sea of troubles that now began on all sides to invade the possessions of the Dutch. These colonists now experienced a total change in the com-

1636.

1637.

[9] Wynne (vol. i. p. 173.) ascribes the appointment of Elkin, the predecessor of Van Twiller, to the West India Company. Oldmixon supposes Christiaens also to have been appointed by this corporation, which did not exist till several years after the appointment of them both. This may be easily explained by supposing, that it was the same merchants originally associated as patentees of the trade on Hudson's river, who were afterwards incorporated as the members of the West India Company.

[1] The only fact that has been recorded, as illustrative of Van Twiller's administration, is the style of government evinced in his patents of land, which commenced after this manner: "We, directors and council, residing in New Netherlands, on the island of Manhattan (York Island), under the government of their High Mightinesses, the Lords States-General of the United Netherlands, and the privileged West India Company." Smith, p. 3.

plexion of their fortune; and their history for many subsequent years is little else than a chronicle of their struggles and contentions with the English, the Swedes, and the Indians. Kieft's administration commenced, as his predecessor's had concluded, with a protest against the advancing settlements of Connecticut and Newhaven, accompanied by a prohibition of the trade which the English were carrying on in the neighbourhood of the fort of Good Hope. His reputation for ability, and the vigour of his remonstrance, excited at first some alarm in the English inhabitants of Connecticut, who had originally made their advances into this territory in equal ignorance of the proximity and the pretensions of the Dutch; but, quickly convinced that their imperious rival had no title to the country from which he pretended to exclude them, and encouraged by promises of assistance from the other New England colonies, they disregarded his remonstrance, and not only retained their settlements, but two years after compelled the Dutch garrison to evacuate the fort of Good Hope, and appropriated this plantation to themselves. This aggression, though passively endured, was loudly lamented by the Dutch[2], who, notwithstanding the increase of their numbers, and the spirit of their governor, displayed a helplessness in their contentions with the English, which, if partly occasioned by the enervating influence of a long

CHAP. I.

1637.

1638.

[2] The Dutch preserved, for a series of years, a very minute and formal record of the grievances which they laid to the charge of the English colonists. The insignificance of many of these complaints, and the homeliness of the subject-matter of others, contrast somewhat ludicrously with the pompousness of the titles and the bitter gravity of the style. The following are some extracts from this singular chronicle:—"25th April, 1640. Those of Hartford have not only usurped and taken in the lands of Connecticut, &c. but have also beaten the servants of the High and Mighty and Honoured Company; with sticks and plough-staves in hostile manner laming them; and, among the rest, struck Ever Duckings a hole in his head with a stick, so that the blood ran very strongly down his body." "24 June, 1641. Some of Hartford have taken a hog out of the common, and shot it up out of mere hate or other prejudice, causing it to starve for hunger in the sty." "20 May, 1642. The English of Hartford have violently cut loose a horse of the Honoured Company that stood bound upon the

BOOK V.

period of tranquillity, seems also to have been promoted by secret distrust of the validity of their claim
1640. to the territories they had most recently occupied. It is certain, at least, that the Dutch were not always so forbearing; and an encroachment which their title enabled them more conscientiously to resist, was soon after repelled by Kieft, with a vigour and success which he was not often enabled to display. Lord Stirling, who had obtained a grant of Long Island from the Plymouth Company, transferred a considerable portion of it to certain of the inhabitants of New England, who had removed to their new acquisition in the year 1639, and, unmolested by the Dutch, whose settlements were confined to the opposite quarter, they had peaceably inhabited the eastern part of the island. Having received a considerable accession to their numbers, they at length proceeded to take possession of the western quarter; but from this station they were promptly dislodged by Kieft, who drove them back to the other end of the island,
1642. where they built the town of Southampton, and subsisted as a dependency of Connecticut, till they were united to the state of New York on the fall of the Dutch dominion in North America[3].

Kieft, in the same year, equipped two sloops, which he despatched on an expedition against a body of English who had penetrated from the settlements in Maryland into a district within the Delaware territory, the whole of which was claimed by the Dutch,

common." "23. The said English did again drive the Company's hogs from the common into the village, and pounded them." "16 September, 1642. Again they sold a young pig, which had pastured on the Company's land." Hazard, vol. ii. p. 264, 265, 266.

[3] Olmixon, vol. i. p. 121. Smith, p. 3—5. Chalmers, p. 570, 571. Trumbull's Connecticut, vol. i. p. 113, 114. 148. The histories of these events, by Oldmixon, Smith, and Chalmers, are exceedingly confused, and in some points erroneous. Their chronology, in particular, is remarkably careless. Trumbull is always distinguished by the accuracy of his statements, but not less distinguished by his partiality. Here, in particular, he relates with great fidelity all the offences of the Dutch, but passes over in total silence every charge of this people against the English.

but had been included in the charter obtained by Lord Baltimore from Charles the First. As the number of these emigrants from Maryland was inconsiderable, and they were totally unprepared to defend their possession against this unexpected attack, they were easily dislodged by the forces of Kieft. But there still remained in another quarter of Delaware a different race of settlers, who, without any legal claim whatever to the territory they occupied, possessed a strength that proved of more avail to them than the formal title of the English. This was a colony of Swedes, of whose settlement in this corner of North America very few particulars have been transmitted by history. Their enterprise appears to have originated in the year 1626, when Gustavus Adolphus, king of Sweden, having received a magnificent account of the country adjacent to the Dutch settlement of New Netherlands, issued a proclamation exhorting his subjects to associate for the establishment of a colony in that region. Considerable sums are said to have been raised accordingly by contribution: and a number of Swedes and Fins emigrated in the year 1627 to America. They first landed at Cape Henlopen, at the entrance of Delaware Bay, and were so much charmed with its aspect that they gave it the name of Paradise Point. Some time after, they purchased from the natives all the land between that cape and the falls of Delaware; and maintaining little connexion with their parent state, but addicting themselves exclusively to agricultural occupations, they had possessed their new settlement without challenge or interruption, till Kieft assumed the government of New Netherlands[4]. Several of the Swedish colonists were scalped and killed, and in some instances, their children were

1642.

Delaware first colonized by the Swedes.

[4] The Swedish government appears to have made some attempt to obtain a recognition of its right to the territory. An application to this effect was made by Oxenstiern, the Swedish ambassador to the court of England: but though the

BOOK V.

1642.

stolen from them by the Indians. Yet, in general, the two races lived on friendly terms together, and no war seems ever to have arisen between them. The Indians sometimes attended the religious assemblies of the Swedes; but with so little edification, that they expressed their amazement that one man should detain his tribe with such lengthened harangues without offering to entertain them with brandy. One of the earliest of Kieft's proceedings had been to protest against the intrusion of the Swedes, and vainly to urge their departure from a territory which he assured them his countrymen had purchased with their blood. But as the Dutch discovered no inclination to purchase it over again at the same expense, the Swedes, unawed by this governor's power, paid no regard whatever to his remonstrances. A war, as it has been called, subsisted between the two communities for several years: but though attended with a plentiful reciprocation of rancour, it was unproductive of bloodshed. At the treaty of Stockholm, in 1640, Sweden and Holland forbore to make any allusion to colonial disputes or American territory [5]; and the two colonies being left to adjust their pretensions between themselves, their animosities subsided into an unfriendly peace [6]. Even this degree of good neighbourhood did not subsist for many years.

Swedes alleged that the application was successful, and the validity of their occupation admitted, no proof of this averment was ever produced. Not less improbable was a pretence they seem to have urged, of having purchased the claim of the Dutch. Samuel Smith's History of New Jersey, p. 23. This is a work of extreme rarity, and has been confounded by some writers with Smith's History of New York. The copy which I have been enabled to peruse is in the library of George Dillwyn, Esq. It contains much curious matter, but is written in a very confused, tiresome manner.

[5] Smith, 5. Holmes's American Annals, i. 199. Professor Kalm's Travels in North America, vol. ii. p 113. 118. Douglas, ii. 221. Chalmers, 572. 631, 632. Chalmers unfortunately seems to relax his usual accuracy when he considers his topics insignificant; and from this defect, as well as the peculiarities of his style, it is sometimes difficult to discover his meaning, or reconcile his inconsistency in different passages. Douglas's "Summary," which is replete with prejudice and partiality when it treats of the New England states, is very frequently inaccurate when it travels beyond them.

[6] Trumbull represents the Dutch and Swedish governors in 1642, as "uniting in a crafty design" to exclude an inhabitant of New Haven from trading at Delaware.

Meanwhile, numberless causes of dispute were continually occurring between New Netherlands and the colonies of Connecticut and New Haven; and the English, who had formerly been the parties complained of, now became the complainers. They charged the Dutch with disturbing, kidnapping, and plundering their traders; with enticing servants to rob and desert from their masters; and with selling arms and ammunition to the natives. The unfriendly relations that subsisted between the Dutch themselves and the Indians, would render this last charge against them extremely improbable, if it were not known that their countrymen in Europe have, on various occasions, manufactured and sold to their enemies the cannon balls which they knew were to be fired back into their own towns. To all these complaints, the English could obtain no other answer from Kieft but haughty reproaches and angry recriminations: and it was partly from suspicion of his designs, and for the purpose of defending themselves against them, though chiefly, no doubt, for their own security against Indian hostility, that the New England colonies were induced to form the scheme of the federal union, which they carried into effect in the year 1643[7]. That the complaints of the English against Kieft were by no means unfounded, may be strongly inferred from the fact, that the succeeding governor of New Netherlands, though warmly attached to the cause of his countrymen, declined to make any answer to these charges, and desired that he might not be held responsible for them. And yet, notwithstanding their mutual disagreements, the Dutch and English colonists never suffered themselves to forget entirely either the forms of courtesy, or the more substantial rights of humanity. Kieft, perhaps with more politeness than sincerity, congratulated the united colonies on the league they

CHAR. I. 1642. 1643.

7 See Book ii. Cap. iii. *ante.*

BOOK V.

had formed; and when, in the course of the same year, he applied to New Haven for assistance against the Indians, with whom he was engaged in a bloody and dangerous war, the government of this colony, though precluded by the federal union as well as by doubts of the justice of the Dutch cause, from embarking separately in hostilities, tendered the amplest contribution they could afford of provisions for men and cattle, to supply the scarcity that might have arisen from the Indian devastations. So unwarlike were the Dutch colonists in general, that they found it necessary to hire the services of Captain Underhill [8], who had been banished from Boston as one of the associates of Mrs. Hutchinson, and who, at the head of a mixed troop of English and Dutch whom he commanded, opposed the Indians with a skill and bravery that proved fatal to great numbers of them both in Long Island and on the main land, and was thought to have saved the colony of New Netherlands from utter destruction. Notwithstanding the need he had thus experienced of English assistance, and the benefit he had derived from it, Kieft continued, during the following years, to exchange with the colonies of Connecticut and New Haven, not only the most vehement remonstrances and vituperations, but menaces of hostility, which, happily for himself, he was no less unable than they were unwilling to carry into effect. He continued all this time to be involved in hostilities with the Indians, between whom and the Dutch there was fought, towards the conclusion of his administration, a great and general battle on Strickland's Plain, where, after an obstinate conflict, and great slaughter on both sides, the Dutch with much difficulty kept the field, and the Indians withdrew unpursued [9].

1643. War between the Dutch and the Indians.

1646.

[8] See Book ii. Cap ii. *ante*.

[9] Trumbull, i. 114. 121—123. 129. 138—140. 155. 157. 161. Belknap, i. 50. Yet the greater number of the writers of American history (copying each

Kieft was succeeded, in the following year, by the last of the governors of New Netherlands. This was Peter Stuyvesant, a brave old officer, and one of those magnanimous spirits of which the republican service of Holland was in this age unusually productive. By his justice, prudence, and vigour, he appears to have succeeded in restoring peace with the Indians, and preserving it uninterrupted during the whole of his administration. His arrival was honoured by an address of congratulation from the commissioners of the united colonies of New England, accompanied with an earnest entreaty for redress of the grievances they had endured from his predecessor. One of the most serious of these grievances had latterly been the frequent seizures and confiscations of the English trading vessels, on the pretence of infractions of the custom-house regulations of New Netherlands, which the Dutch, with insolent injustice, refused to explain, and yet proceeded to enforce. Stuyvesant, though he declined to justify some of the acts of his predecessor, returned, as might have been expected, a counter claim of redress for the wrongs of New Netherlands, and in particular demanded a restoration of the territories of Connecticut and New Haven. This was a hopeless demand; and Stuyvesant soon perceiving that the state of his title and of his force would barely suffice to prevent further invasion of the Dutch pretensions, was too prudent to persist in it. After various negotiations, a treaty was at length concluded between the commissioners of the United English Colonies and the governor of New Netherlands, by which the settlements of the respective nations in

1647.

1650.

others' statements without examination) have asserted that the Dutch were never once involved in a quarrel with the Indians. One old writer, indeed, whose work is very scarce, has stated that the Dutch were continually harassed and endangered by the Indians. Brief Description of New York, formerly called New Netherlands, by Daniel Denton, p. 15. In Samuel Smith's History of New Jersey, (p. 64), reference is made to some bloody contests between the Dutch and Indians.

BOOK V.

Long Island were mutually secured to them, and a boundary ascertained between the Dutch settlement
1651. and the Connecticut and Newhaven occupations on the main land. This treaty was not productive of the good consequences that were expected from it. The English had passed a law prohibiting the Dutch from trading within their territories; a restriction that was highly resented by the Dutch: and the disputes that arose concerning the observance of this law, together with the competition of the two nations to engross the profits of Indian trade, engendered a degree of mutual jealousy and ill humour that caused them to regard each other's proceedings and policy through a very unfavourable medium. The treaty seems not to have embraced any arrangement with regard to the Delaware territory, and Stuyvesant was determined to preserve entire all that yet remained uninvaded of the Dutch pretensions in this quarter. In support of these pretensions he was soon constrained to make such efforts to resist a trading settlement which the colony of Newhaven attempted to establish on the borders of Delaware, as completely effaced every appearance of good understanding between the Dutch and the English provincial governments. The breach between them was widened by a panic excited in the English settlements of Connecticut and Newhaven, where a number of Indians volunteered a confession of a projected massacre of the English, to which they declared that they had
1652. been instigated by the governor of New Netherlands. The only confirmation of their story that they could produce, was the ammunition which the Dutch had been always in the practice of selling to them, and which the English now believed the more readily to have been supplied for their destruction, as the Indians had frequently employed it for this purpose. Notwithstanding the confident assertions of a respectable historian of Connecticut, this confession appears

Farther disputes with New England.

to me to have derived the credit it received chiefly from the fears and prepossessions of the English, who suffered themselves to be made the dupes of perfidious savages, whose enmity would have been gratified by the destruction of either of the races of their powerful neighbours. What may be thought, indeed, to place this beyond a doubt is, that no future confirmation of the charge was ever obtained, even after the fall of the Dutch dominion had placed every facility for the procurement of evidence in the hands of the English. The governments of Connecticut, Newhaven, and Plymouth, however, blinded by apprehension and resentment, gave implicit faith to a statement discredited no less by the habitual fraud and treachery of the Indians, than by the manly and honourable character of Stuyvesant. To his indignant denial of the charge they answered by reminding him of the massacre of their countrymen by the Dutch in Amboyna, about thirty years before; and to his just exceptions to the value of the Indian testimony, they replied, that the Dutch governor of Amboyna had sought a pretext for his cruelty in the charges against the English which he extorted by torture from the Japanese. The absurdity of this reasoning forcibly demonstrates the intensity of passion by which they were transported; and the repeated introduction of the topic of Amboyna shows as clearly the strong, but unconscious, dominion of national resentment and antipathy on their minds. In Massachusetts, the evidence of the conspiracy was not considered satisfactory; nor could all the instances of their confederates prevail with this state to join with them in a war against the Dutch [1]. Judging their own forces alone inadequate to such an enterprise, the other colonies applied for assistance to Oliver Cromwell, who was then engaged in

CHAP. I.

1652.

1653.

[1] *Ante*, Book ii. Cap. iii.

BOOK VI

1654.

the two years' war with Holland, which the long parliament had begun, and who promptly acceded to their request by despatching a squadron to undertake, in concurrence with the colonial troops, an invasion of New Netherlands. The design was, however, arrested by intelligence of the peace that had been concluded between the protector and the States-general: and his squadron having fortified the spirits of the English colonists by demonstrating to themselves and their adversaries the vigour with which a powerful government would resent their wrongs, proceeded still farther to augment their security, by effecting the conquest of the French province of Acadie[2]. It is remarkable, that the treaty of peace that was executed at this time between England and Holland contained no express allusion to the claims or possessions of either in North America: but as it was stipulated that war should cease, and peace and friendship prevail between all the dominions and possessions of the two countries in all parts of the world, and as the English expedition against New Netherlands was thereupon countermanded, the validity of the Dutch claim to this territory seems to have been manifestly implied, and practically acknowledged.

It was in the Delaware territory that Stuyvesant most resolutely and successfully defended the claims of his countrymen against the invasions of the New England colonists and the Swedes. As the war between the Dutch and the Swedes during Kieft's administration had in some respects resembled a peace, so the peace that ensued bore no little resemblance to a war. To check the encroachments which these

[2] Oldmixon, i. 119. Chalmers, 574. Trumbull, 1. 168. 174. 189. 191—3. 197. 202. 204. 212. 219. 220. 267. Smith, 6. The whole voluminous correspondence that took place, both on this occasion and afterwards, between the governors of the Dutch and English colonies, is preserved in Hazard's Collection, vol. ii.

settlers were continually attempting, Stuyvesant had erected a fort at a place then called New Amstel, and afterwards Newcastle. This proceeding gave umbrage to the Swedes, who expressed their displeasure in a protest, which, with the usual fate of such documents, was totally disregarded. About a year afterwards, Risingh, the Swedish governor, proceeded with an armed vessel against the Dutch fort, and obtaining admission into it by a stratagem somewhat discreditable to his own honesty, as well as to the vigilance of its defenders [3], he easily overpowered the garrison, and expelled them with violence, but without cruelty, not only from their strong hold, but from the confines of Delaware. During the short time that the fortress remained in his possession, it received the name of Christina, in compliment to the Queen of Sweden. Stuyvesant was not of a disposition to submit tamely to such an outrage, or to content himself with a simple recapture of the fort. He determined to invade and subdue the whole Swedish settlement: but destitute of a force sufficient for this enterprise, and fully occupied at the time with a controversy more dangerous to his government, as well as more interesting to his honour, he was constrained to apply for reinforcement to the West India company. This corporation, however, was then labouring under such embarrassments, that it was only by a friendly contribution of the city of Amsterdam, that its administrators were at length able to supply Stuyvesant with a small body of troops. Thus reinforced, he marched into Delaware, where the Swedes had employed their leisure in erecting another fort, as if they had intended to defend their

CHAP. I.

1654.

1655.

[3] "Risingh, under the disguise of friendship, came before the works, fired two salutes, and landed thirty men, who were entertained by the commandant as friends; but he had no sooner discovered the weakness of the garrison, than he made himself master of it, seizing also upon all the ammunition, houses, and other effects of the West Indian company, and compelling several of the people to swear allegiance to Christina, Queen of Sweden." Smith.

BOOK V.

1655.

pretensions to the last extremity. But no sooner did they find themselves about to be attacked in earnest by a warrior, whose hostilities were not confined to stratagems and protests, and perceived that their forts failed to answer their true object of intimidating the enemy from approaching, than they peaceably surrendered them, together with the whole of their settlements, to the forces of Stuyvesant. This conquest of Delaware was effected without bloodshed; a circumstance the more extraordinary, as it certainly did not arise from absence of the passions from which this fatal extremity might be expected to ensue; for many of the Swedes detested the Dutch so cordially, that they chose to return to Europe, and to abandon a country they had called a paradise, rather than submit to an union with the colony of New Netherlands. To this extremity, however, the rest were reduced, and the settlement for some years continued to be ruled in peace by a lieutenant-governor appointed by Stuyvesant [4]. Thus, unassisted by the parent state, fell the only colony that Sweden has ever possessed. The historian would have little pretension to piety or virtue, who would deride a bloodless adjustment of national disputes. But in timorous hostilities, a new feature of opprobrium is added to the moral aspect of war. When we recollect that these Swedes were either the subjects of Gustavus Adolphus, or the immediate descendants of his subjects, and when we see them provoke a war by fraud and outrage, and then decline it by tamely submitting to the object of their insult and hatred, it must be acknowledged that they have enlarged the catalogue of those nations whose spirit has degenerated in their colonial settlements. The Dutch have been generally obnoxious to this remark; and their conduct in New Netherlands will never be cited

The Swedish colony conquered by the Dutch.

[4] Chalmers, 632, 3. Smith, 7, 8.

CHAP. I.

as an exception to its application. All their colonies have been the offspring of motives no higher than the thirst of commercial gain; and the same sentiments which engaged them to extend their dominions, have gradually obliterated the energy that was requisite to their defence and preservation. The valour of Stuyvesant[5] rather reproached than animated the sluggish spirit of his fellow-colonists, whom his example could never teach either to repel injustice with spirit, or to bear it with dignity. Yet Holland was now in the meridian of her fame; and this was the age of Tromp and De Ruyter. 1655.

The attention which had been awakened in the mother country to the state of the colony of New Netherlands, was maintained by the prosperous result of her recent interposition, and farther evinced itself in the following year by a constitution which was enacted by the West India company and the burgomasters of Amsterdam, and approved by the states-general. This instrument provided that the colonists of New Netherlands were to be ruled in future by a governor nominated by the deputies of Amsterdam; and by burgomasters and a town council elected by the people themselves; the council thereafter enjoying the power of filling up all vacancies in its own body[6]. Some such constitution as this, appears to have been already established in New Netherlands; and the attention of the mother country beginning soon to relax, with the decline of the colony's prosperity, no farther attempt seems to have been made 1656.

[5] This gallant veteran did not fail to attract a portion of that idle rumour and absurd exaggeration to which solitary superiority is exposed. To the English he was a subject of continual marvel and apprehension. He had lost a leg in fighting for the independence of Holland; and the English believed that his artificial limb was made of silver (Josselyn, 153); and with still greater credulity, that he *restrained the Dutch colonists* from immediate hostilities with them, that he might destroy them more cruelly by the hands of the Indians (Trumbull, 202); so well did he cover the deficiency of his countrymen's military ardour. The fable of the silver leg is also related by Blome, 202.

[6] Collections of the New York Historical Society.

BOOK V.

to introduce the projected alteration. The West India company, however, transmitted about this time

1656. to Stuyvesant, a ratification they had procured from the States-general of his treaty in 1650 with the commissioners of the united English colonies. The Dutch governor gave notice of this circumstance to the commissioners, in a letter replete with christian benevolence and piety; and proposed to them that a friendly league and sincere good-will might thenceforward unite the colonies of England and Holland. But the English were averse to believe the sincerity of a man whom they had recently accused of plotting their destruction with the Indians; and, beginning to regard the Dutch occupation as altogether lawless and intrusive, they were determined not to sanction it by any new recognition. The commissioners answered the governor's communication with austere civility; recommending the continuance of peace, but declining either to ratify the former treaty or to execute a new one[7]. They had begun to entertain strong hopes that the English government would unite with them in regarding the Dutch settlers in America as mere intruders who could derive no claim of forbearance from the peace with Holland, and whom it would be no less just than expedient to expel or subdue. Their friends in England succeeded

1659. in impressing these views upon Richard Cromwell; and during his short enjoyment of the protectorate, he addressed instructions to his commanders for an invasion of New Netherlands, and wrote letters to the English colonial governments, desiring the concurrence of their forces in the enterprise[8]. But his speedy deposition spared him the actual guilt of attacking an unoffending people, whom his father had plainly considered as comprehended in his pacification with Holland.

[7] Trumbull, i. 228, 9.

[8] Thurloe's Collection, i. 721.

Meanwhile, Stuyvesant had made attempts to improve his conquest of the Swedes by extending the Dutch settlements in Delaware; and equitable as well as brave, he caused the territory which he occupied to be fairly purchased from the Indians. But his success in this quarter was now drawing to a close. Fendal, the governor of Maryland, claimed the territory occupied by the Dutch and Swedes, as included within Lord Baltimore's grant; and finding that Stuyvesant was determined to retain the possession and defend the supposed title of his country, he procured a remonstrance to be transmitted in the name of Lord Baltimore to the States-general and the West India company, who, with an inversion of their usual policy, publicly denied the pretensions of the English, but at the same time transmitted private orders to Stuyvesant to avoid hostilities, if they should seem likely to ensue, by retiring beyond Lord Baltimore's alleged boundary. This injunction was complied with, though not to the extent of an entire evacuation of Delaware, when Charles Calvert a few years after assumed the government of Maryland [9]. Stuyvesant deeply deplored the feeble policy of those whose mandates he felt it his duty to obey: and sensible of the total discredit in which the Dutch title would be involved by thus practically avowing that its maintenance depended on the forbearance of the English, he earnestly solicited that a formal copy of the grant by the States-general to the West India company might be transmitted to New Netherlands, to enable him to assert, with proper form and dignity, the interests he was intrusted to defend. But his applications proved ineffectual. The States-general were now more anxious than ever to avoid a rupture with England; and the

9 See *ante*, B. iii. One cause of the neglect which New Netherlands experienced from the Dutch West India Company, seems to have been that the attention and resources of the Company were absorbed by the efforts they made to maintain the rich settlement they had wrested from the Portugueze in South America. See Southey's History of Brazil, Part I.

BOOK V. 1660.

West India Company, either concurring with their policy, or controlled by their orders, refused to exhibit a title of which they feared that Stuyvesant would make such an use as would infallibly provoke that extremity. Perhaps they thought that his prudence would be enforced by the consciousness of a defective title; and such was at least the effect that their policy actually produced. Stuyvesant, willing by any honourable means to propitiate the English, and hoping to obtain a recognition of the title which he was unable to produce, sent an embassy to Sir William Berkeley, the governor of Virginia, to propose a treaty of mutual trade between this colony and New Netherlands, and an alliance against the Indian enemies of both. Berkeley received the ambassadors with much courtesy, and despatched Sir Henry Moody to New Netherlands, with the terms of a commercial treaty: but he took care to decline every expression that might seem either to acknowledge, or even imply, assent to the territorial pretensions of the Dutch [1].

The authorities whose dominion in England was terminated by the Restoration, had been regarded with continual uneasiness and apprehension by the colonists of New Netherlands. The long parliament had attacked their countrymen in Europe: Cromwell had once been on the point of subduing the colony; and only the deposition of his successor had again snatched them from a repetition of the same danger. Of the government of Charles the Second they were disposed to entertain more favourable hopes, which might, perhaps, derive some confirmation from the well-known fact, that their rivals, the New England colonists, were as much disliked by the king as they had been favourably regarded by the protector. Accordingly, when the pursuers of Goffe and Whalley,

[1] Chalmers, 572. 633, 634. Smith, 9—12.

CHAP. I.

baffled in their attempts to discover the retreat of these fugitive regicides in New England, besought Stuyvesant to deny them his protection in New Netherlands, he readily seized the opportunity of ingratiating his colony with the English court, by undertaking to give instant notice of the arrival of any of the regicides within his jurisdiction, and to prohibit all vessels from transporting them beyond the reach of their pursuers[2]. But this policy, which, it must be confessed, is not the most honourable trait of his administration, proved utterly unavailing: and every hope that the Dutch might have entertained, of an amelioration of their prospects, was speedily dissipated by intelligence of the designs entertained by the king of England. Charles, though he had received, during his exile, more friendship and civility from the Dutch than from any other foreign power, ever regarded this people with enmity and aversion; and he was the more disposed, at present, to embrace any measure that might humble the ruling party in Holland, by the interest he felt in a weaker faction, at the head of which was his nephew, the young Prince of Orange, whom he desired to see reinstated in the office of Stadtholder, which his ancestors had possessed:—an office which the ruling party had pledged themselves to Cromwell never again to bestow on the Orange family. These sentiments were enforced by the interest and urgency of the Duke of York, who had placed himself at the head of a new African Company[3], and found its commerce impeded by the

1661.

Designs of Charles the Second.

1663.

[2] Trumbull, i. 245. It was notorious, at the time, that Goffe and Whalley were sheltered within the territory of Newhaven, where the local authorities and the inhabitants, so far from assisting, had, with very little disguise, obstructed and defeated the attempts to apprehend them. This conduct of a people who had peculiarly distinguished themselves by enmity to the Dutch, had probably some weight in inducing Stuyvesant to pledge himself to a proceeding which, he seems not to have been aware, would have compromised the honour and independence of his country.

[3] This company was formed with the view of extending and appropriating the *slave trade*. Under the patronage of the Duke of York, it treated every commercial rival with a violence and injustice worthy of the purpose of its institution.

BOOK V.

1663.

more successful traffic of the Dutch. In imitation of the other courtiers, the Duke had also cast his eyes on the American territory, which his brother was now distributing with so liberal a hand; and, accordingly, in addition to the other reasons which he employed to promote a rupture with the Dutch, he solicited a grant of their North American plantations, on the prevailing plea that they had been originally usurped from the territory properly belonging to Britain [4]. The influence of these motives on the mind of the king was doubtless aided by the desire to strike a blow that would enforce the arbitrary commission he was preparing to send to New England, and teach the puritan colonists there, that it was in the power of their prince to subdue his enemies in America.

The rumour of the king's intentions appears to have reached America before it was generally prevalent in Europe; owing to the vigilance and activity of the numerous friends of the English colonists, who watched and apprised them of the designs of the court. When the association of the royal commission, with the expedition against New Netherlands, was known to the inhabitants of New England, the first piece of intelligence appeared to them much more unwelcome than the other was satisfactory. In Massachusetts, particularly, the proceedings of the general court seemed to indicate a strong apprehension that the military, no less than the civil department of the expedition, was intended to be employed against the liberties of the English colonists [5]. Stuyvesant, whose anxious eye explored the darkening horizon of his country's fortune, discerned these

Alarm and efforts of the Dutch governor.

In return for the protection of the English government, it lent its aid to harass the colonies by promoting a rigid enforcement of the acts of navigation. See Oldmixon, Vol. II. cap. i.

[4] Sir John Dalrymple's Memoirs, ii. 4. Hume's England, vii. 398. Chalmers, 572, 573.

[5] See *ante*, B. II. cap. iv.

symptoms of dissatisfaction in the New England settlements, and conceived from them the bold project of obtaining the alliance, or at least securing the neutrality, of his ancient enemies. With this view (apparently), he undertook, first, a voyage to Massachusetts, where he was entertained by the governor and magistrates with much state and solemnity [6]. Former rivalship was forgotten in the season of common danger, or remembered only to enhance the respect with which Endicot and Stuyvesant recognised, each in the other, an aged, brave, and virtuous champion of his country's cause. Perhaps some traces of the effect of this conference may be discerned in the slowness with which Massachusetts obeyed the requisition of the royal commanders to raise a body of men in aid of the invasion of New Netherlands. But it was impossible that Stuyvesant's negotiation could succeed, or his proposals, even to the extent of neutrality, be acceded to. Notwithstanding this disappointment, however, he proceeded afterwards to Connecticut, where he was engaged in vainly attempting to bring a similar negotiation to a more successful issue, when the intelligence of the approach of the British fleet recalled him to the immediate defence of his province [7].

The king, who was totally unable to assign a just reason for going to war with Holland, after trying in vain to provoke the resentment of the States-general by the most insulting memorials, and the most groundless complaints [8], determined, at length, to embrace the suggestion of his right to the province of New Netherlands; expecting, with good reason, that, from the assertion of this pretended right, the cause of quarrel which he was industriously seeking would infallibly arise. In pursuance of this purpose, a royal

[6] Josselyn, 193. [7] Trumbull, i. 267. [8] Hume, vii. 399.

BOOK V.

March, 1664.

The province granted by charter to the Duke of York—

charter was executed in favour of the Duke of York, containing a grant of the whole region extending from the western banks of Connecticut to the eastern shore of the Delaware, together with the adjacency of Long Island; and conferring upon his royal highness all the powers of government, civil and military, within these ample boundaries. This grant took no more notice of the existing possession of the Dutch, than it showed respect to the recent charter of Connecticut, which, whether from ignorance, or from carelessness in the definition of the boundaries, it tacitly but entirely superseded. No sooner did the Duke of York obtain this grant, than, without waiting to take possession of his investiture, he proceeded to exercise his proprietary powers in their fullest extent, by conveying to Lord Berkeley and Sir George Carteret all that portion of the territory that forms the province of New Jersey. But, as it was manifest that this title of the duke himself, no less than of his assignees, would require to be effectuated by a military force, an armament had been prepared for this purpose, with some attention to secresy; a precaution which, if it proved ineffectual, was no less unnecessary; as the states of Holland reckoned it impossible that the king would attack their possessions without the formality of a previous declaration, and were averse to provoke his injustice by seeming to expect it. So little, indeed, was the hostile enterprise against New Netherlands credited in Europe, that, but a few months before it sailed, a vessel arrived at the colony from Holland, bringing a further supply of planters, and of implements of husbandry. Stuyvesant earnestly pressed upon the West India Company the alarming intelligence which he had received; but the only defensive step to which they were moved by his urgency was, to send him now, when it was too late, the original grant from the

States-general, which, at the period when it might have availed him, he had solicited in vain. CHAP. I.

The command of the English troops that embarked for this expedition, and the government of the province against which it was directed, were intrusted to Colonel Nichols, who had studied the art of war under Marshal Turenne, and who, with Car, Cartwright, and Maverick, also held a commission to visit the colonies of New England, and investigate and determine, according to their discretion, all disputes and controversies within the various colonial jurisdictions. After touching at Boston, where an armed force was ordered to be raised and sent to join the expedition, the fleet proceeded to Hudson's river, and took its station before the capital of New Netherlands. The requisition of a subsidiary force from Boston was so tardily obeyed, that the enterprise was over before the Massachusetts troops were ready to march: but, on the transmission of a similar requisition to Connecticut, Governor Winthrop, with several of the principal inhabitants of the province, immediately repaired to the English armament, and joined the standard of their king [9]. 1664. invaded by an English fleet— August.

The veteran governor of New Netherlands, and the pupil of Turenne, were, according to military ideas, enemies worthy of each other: though doubtless it is a manifest profanation of language to assert the worthiness of two brave and honest men to shed each others' blood, or to represent Nichols as worthily employed in executing the lawless rage and rapacity of a tyrant upon an unoffending people. But the two commanders were very unequally supported. Stuyvesant had vigorously exerted himself to put the city and fort in the best attitude of defence; but he found it totally impossible to man the hearts of its defenders. It must indeed be confessed in favour of

[9] Smith, 13—16. 19. Chalmers, 573. Trumbull, i. 266, 267.

BOOK V.

1664.

these unfortunate Dutchmen, that the superior artillery and disciplined forces of the enemy rendered successful resistance utterly hopeless. Their residence in the country had been too short to connect them with it by patriotic ties; and their unwarlike habits rendered them utterly unsusceptible of the impressions which their governor derived from the prospect of a contest, where the harvest of glory was proportioned to the hopelessness of victory. They felt themselves unjustly attacked; and their resentment of this injury was so strong, that many of them were determined not to remain the subjects of a tyrannical usurper: but it was not strong enough to overcome the rational conviction, that safety and independence were the only worthy objects of battle, and that where independence could not be gained by fighting, safety should not be risked by it. To add unnecessary combat to unavoidable defeat, appeared to them a driftless and fool-hardy waste of life; and if they must surrender the image they had built of their native Holland in the wilderness, they would rather surrender it entire to the pollution of hostile occupation, than defaced by the cannon of the enemy. They were willing to become exiles with their wives and children, or labourers for them; to encounter, in short, every evil that hope could alleviate or virtue subdue. But to expose their kindred, their city, and themselves, to the certainty of capture by storm, and the extremity of military violence, seemed to them an inversion of all the dictates of wisdom, happiness, and virtue.

Widely different were the sentiments, the views, and even the determinations of Stuyvesant; and for several days his undaunted spirit upheld the honour and prolonged the dominion of his country, in despite both of the desertion of her unwarlike children, and the impending violence of a stronger foe. On the arrival of the English armament, he sent a deputation

to its commander, consisting of one of the ministers of New Amsterdam, one of the city councillors, and two other inhabitants, with a courteous letter, desiring to know the reason and purpose of this hostile approach. Nichols answered, with equal politeness [1], that he was commanded by his royal master to take possession of the British territory which had been usurped by the Dutch, whom, though nearly allied to him, the king could not, consistently with his honour, allow to invade and occupy the dominions of his crown: that he must therefore now demand the instant surrender of the place; that the king being tender of the effusion of christian blood, had authorised him to offer security of life, liberty, and estate, to all who would readily submit to this requisition; but that such as should oppose his majesty's gracious intentions must prepare themselves for the worst miseries of war. Governor Winthrop, who was connected by acquaintance and mutual esteem with Stuyvesant and the principal Dutch citizens, enforced this summons by a letter, in which he strongly pressed the prudence of doing soon what must unavoidably be done at last. Stuyvesant, on receiving the summons of the English commander, was sensible of no other consideration than of the insolence and injustice with which his country was treated; and still earnestly hoping that her honour would be preserved unblemished, even though her dominion should be overthrown, he invited the burgomasters and council to attend him, and vainly laboured to impart a portion of his feelings to this municipal

[1] Chalmers betrays his usual partiality in describing this intercourse. While he derides the *affected civility* of Stuyvesant, he commends in Nichols the *politeness that softens the rigours of war*. Once for all I must remark on this writer, that the composition of his work had one great point in view—the apology of the kings and government of England in all their American transactions. He steadily pursues this object; and though too honourable wilfully to misrepresent facts, he is often too prejudiced to appreciate them fairly. Yet his Annals are a valuable source of information to those who carefully consult them; comparing one portion with another, and the whole with collateral authorities.

BOOK V. 1664.

body. They coolly desired to see the letters he had received; but as he judged with good reason that the easy terms of surrender that were proffered would not contribute to animate their ardour or further his own martial designs, he declined to gratify them in this particular; and simply assured them that the English had declared their purpose of depriving Holland of its sovereignty, and themselves of their independence. Suspecting the truth, they became more importunate in their first request; whereupon the governor, in a transport of indignation, tore the letters in pieces, and scattered them on the ground; while the burghers, in amazement and dismay, protested against his conduct, and all the consequences that might attend it. But Stuyvesant's courage needed not the aid of sympathetic bravery to sustain it; and more incensed to see his country's honour deserted than appalled to find himself its only defender, he determined to try the effect of an appeal to the justice and generosity of a gallant enemy; and to express in his reply to the summons of the English commander, not what he painfully saw, but what he magnanimously wished, to be the sentiments of his fellow-citizens. He exhibited to a deputation sent to him by Nichols, the original grant of the States-general, and his own commission from the West India Company; and in a long and manly letter, maintained that a province thus formally incorporated with the Dutch dominion could not lawfully be attacked while peace subsisted between England and the republic. He represented the long possession of the territory which his countrymen had enjoyed, and the ratification which the English colonial governments had given to the Dutch claim, by the treaty they concluded with him in the year 1650: and he protested that it was impossible that the English monarch could have despatched this hos-

tile armament, in the knowledge of these facts, or would hesitate to countermand it if they were submitted to his consideration. To spare the effusion of blood, he offered a treaty for a provisional arrangement, suspended on the issue of a reference to the two parent states; and he concluded with this calm and undaunted reply to the threat of military execution in the event of a refusal to surrender.—"As touching the threats in your conclusion, we have nothing to answer, only that we fear nothing, but what God (who is as just as merciful) shall lay upon us; all things being in his gracious disposal: and we may as well be preserved by him with small forces as by a great army; which makes us to wish you all happiness and prosperity, and recommend you to his protection." But Stuyvesant found it more easy to refute the pretensions than to resist the force of his opponent. Even after the English had begun to invest the place, and had occupied posts, from which attack seemed immediate and capture inevitable, he still clung to the hope that his fellow-citizens would not surrender the rights of their country till they had defended them with their lives, and shed the blood of the invaders. But Nichols, who had learned how little the great body of the Dutch partook the martial ardour of their governor, caused a proclamation[2], reiterating his original offers, to be circulated through the country and introduced into the town; a measure which so completely disarmed the spirit of the besieged, and extinguished the authority of Stuyvesant, that this stubborn veteran, after one more fruitless attempt to effect a provisional treaty, was at length obliged to

CHAP. I. 1664.

[2] It declared that all who would "submit to this his majesty's government, as his good subjects, shall be protected in his majesty's laws and justice, and peaceably enjoy whatsoever God's blessing and their own honest industry have furnished them with." Smith, p. 25. To the Swedish settlers in Delaware, it was specially represented, that it would be an honourable change for them to return from a republican to a monarchical government. S. Smith's New Jersey, p. 48.

BOOK V.

1664. 27th Aug.

capitulate for surrender, in order to prevent the people from giving up the place, without the formality of capitulation. By the treaty which ensued, it was provided that the Dutch garrison should march out with all the honours of war, and that the States-general and West India Company should preserve their ammunition and public stores, and be allowed within six months to transport them to Holland; that the inhabitants should be free to sell their estates, and return to Holland, or retain them and reside in the settlement; that all who chose to remain should enjoy their ancient customs with respect to inheritance of property, liberty of conscience in divine worship and church order, and perpetual exemption from military service. All Dutchmen, either continuing in the province, or afterwards resorting to it, were to be allowed a free trade with Holland; a privilege which, as it was totally repugnant to the navigation act, neither Nichols nor even the king could confer, and which accordingly was withdrawn from them very soon after. As a concession to the inflexible obstinacy of the old governor, it was very superfluously provided, that if at any time thereafter the king of England and the States-general should concur in desiring the province to be re-delivered to its former owners[3], their desire should be promptly complied with. These, and various other articles, of additional advantage to the Dutch, forming perhaps the most favourable terms that a capitulating city ever obtained, were satisfactory to every one except the individual to whose solitary valour they were in some degree a tribute: and it was not till two days after

3 According to Hume, it would appear that this improbable condition did actually occur; for he states that on the complaint of Holland, the king disavowed the expedition, and imprisoned the admiral. Hist. of England, vol. vii. p. 399, 400. But he has confounded the invasion of New York with the expedition against Goree, which took place two years before, and which Charles after despatching, affected to disavow.

they had been signed by the commissioners on both sides, that he could be persuaded to ratify them. Yet the Dutch West India Company, whose blunders and imbecility had promoted the fall of a dominion which they were unworthy to administer, had the mean ingratitude to express dissatisfaction with the conduct of this magnanimous man. The fall of the capital, which now received the name of New York, (a name also extended to the whole provincial territory), was followed by the surrender of Albany, and the general submission of the province with its subordinate settlement of Dutch and Swedes in Delaware. The government of Britain was acknowledged over the whole in the beginning of October 1664[4].

surrenders.

Thus by an act of the most flagrant injustice and tyrannical usurpation, was overthrown the Dutch dominion in North America, after it had subsisted for more than half a century, and absorbed the feebler settlements of Sweden. It is impossible for a moment to suppose that the king was prompted to undertake this enterprise by an honest conviction of his right to the province: and that he was actuated by no concern for the interest of his other colonies was proved (if such proof were wanting) by his subsequent conduct with regard to Acadie. This territory, to which the English had as fair a claim as to New York[5], had been conquered from its French occupiers by the manly hostilities of Cromwell; and yet the earnest entreaties of the New England colonies could not prevent the king from restoring it to France, though

[4] Oldmixon, vol. i. p. 119. Smith, p. 17—31. Chalmers, p. 573, 574. 596. Turnbull, vol. i. p. 267—9. Hutchinson's History of Massachusetts, vol. i. p. 231.

[5] It was included in the claim derived from Cabot's voyage, and had been made the subject of various grants by James the First and Charles the First, to the Plymouth council in the first instance, and afterwards to Lord Stirling. This nobleman was the king's secretary of state in Scotland; and seeing the English courtiers obtaining grants of American territory, he applied for a share; and Acadie, under the name of Nova Scotia, was granted to him (most irregularly), by a patent under the great seal of Scotland.

BOOK V. 1664.

a neighbour much more dangerous than Holland to his subjects. But Acadie was not, like New Netherlands, a settlement of protestant republicans, but of the subjects of a brother despot to whom Charles became a pensioner, and to whom he scrupled not to sell as much of the honour of England as was capable of being conveyed by his hands. His object, in so far as it embraced the English colonies, was rather to intimidate them, than to promote their advantage. Yet eventually it was they who derived the chief advantage from the acquisition of New York: and this, as well as every other conquest of American territory achieved by Great Britain, only tended to undo the bands by which she retained her colonies in a state of dependence. As they ceased to receive molestation or alarm from the neighbourhood of rival settlements, their strength and their jealousy converged against the power and pretensions of the mother country [6].

Colonel Nichols, who had been appointed the first British governor of New York, probably with the humane view of persuading his master to refrain from burdening or irritating the people by fiscal impositions, seems to have depreciated, somewhat unjustly, the actual condition of the settlement, in his letters to the Duke of York. But all the early writers and travellers unite in describing the Dutch colonial metropolis as a handsome well built town; and Josselyn declares that the meanest house in it was worth £100 [7]. Indeed, the various provisions that were introduced into the articles of surrender, to guard the comforts of the inhabitants from invasion, attest the orderly and plentiful estate which these colonists had attained, as well as explain the causes of their unwarlike spirit. If the manners of the Dutch colo-

[6] Chalmers, 575. 597.

[7] Josselyn's Second Voyage, p. 154. Oldmixon, i. 119.

nists corresponded with those of their countrymen in the parent state, they were probably superior in elegance to the manners which the English colonists could derive from similar imitation. Sir William Temple was surprised to find in Holland that he was expected not to spit upon the floors of gentlemen's houses[8]. Of the colonists who had latterly resorted to the province, some were persons who had enjoyed considerable affluence and respectability in Holland, and who imported with them, and displayed in their houses, costly services of family plate, and well selected productions of the Dutch school of painting[9]. No account has been preserved of the total population of the province and its dependencies: but the metropolis, at this time, seems to have contained about 3000 persons[1]. More than half of this number chose to continue in the place after its annexation to the British empire: the rest abandoned a settlement which was no longer to retain its Dutch aspect or name; and their habitations were soon occupied by a supply of emigrants, partly from Britain, but chiefly from New England. The Duke of York, to allure the New England planters to settle in his province, published what he termed *conditions for plantations*, by which (among other provisions) it was declared that the inhabitants of every township should elect their own minister, and arrange his emoluments by private agreement between themselves and him[2]. Among the Dutch who remained at New York, was the venerable Stuyvesant, who still adhered to the wreck of the institutions and community over which he had presided, and to the scenes that reminded him of the exploits of his old age. Here, for a few years

[8] See Note IV. at the end of the volume.

[9] Grant's Memoirs of an American Lady, &c. vol. i. p. 11.

[1] I found this calculation on a Report to the Board of Trade a few years after, published by Chalmers, p. 598, together with a consideration of the intervening events.

[2] Oldmixon, i. 119. Smith, 146.

BOOK V. 1664. more, he prolonged the empire of Dutch manners and the respect of the Dutch name, till full of days and honour, he breathed his last amidst the tears of his countrymen. His descendants inherited his worth and popularity, and, in the following century, were frequently elected into the magistracy of New York [3].

December. One of the first proceedings in which Nichols was employed, was in determining with the other commissioners the boundaries of New York and Connecticut. The claims of the latter of these provinces in Long Island were disallowed, and the whole of that insular region annexed to the new British jurisdiction; but in the arrangement of the boundaries on the main land, so little disposition was entertained to take advantage of the erroneous appropriation in the Duke of York's grant, so ignorant also of the localities of the country were the commissioners, and so much inclined, at the same time, to gratify the people of Connecticut, in order to detach them from the interest of Massachusetts, that they undoubtedly received an allotment of territory far more liberal than equitable. A more correct adjustment of limits was found necessary at a subsequent period, and was not effected without creating the most vehement disputes between the two colonial governments [4].

1665. Leaving the other commissioners to proceed to the execution of their functions in New England, Nichols betook himself to the discharge of his own peculiar duty in the province, which he had been deputed to govern. The Duke of York, who considered himself invested by his patent with regal authority, had made an ample delegation of his powers to his deputy; and the prudence and humanity of Nichols rendered his administration creditable to the proprietary and acceptable to the people. To con-

Wise government of Colonel Nichols.

[3] Chalmers, 571. Smith, 31. [4] Smith, 33, 4. Chalmers, 576. 581.

firm the acquisition that his arms had gained, and to assimilate, as far as possible, the different races of inhabitants, he judged it expedient to introduce among them all, an uniform frame of civil policy: and with a prudent conformity to the institutions that had already been established by the Dutch, he erected a court of assizes, composed of the governor, the council, and the justices of the peace; which was invested with every power in the colony, legislative, executive, and judicial. The only liberal institution that he was allowed to introduce was trial by jury; and to this admirable check on judicial iniquity, all causes and controversies were subjected. He encouraged the colonists to make purchases of land from the natives; and these purchases he made the foundation of grants from himself, in which he reserved a quit rent of a penny an acre. A dispute which occurred among the inhabitants of Long Island suggested to him a salutary regulation which continued long to obtain in the province. The controversy had arisen out of some conflicting Indian deeds; and to prevent a recurrence of it as well as of the more fatal dissensions which were apt to arise from these transactions with the natives, it was ordained that henceforward no purchase from the Indians should be valid, unless the vendition were authorised by the license from the governor, and executed in his presence. The strength and numbers of the natives rendered it necessary to treat them with unimpeachable justice; and to prevent their frequent sales of the same land to different persons (a practice in which they had been encouraged by the conflicting pretensions and occupations of the Dutch, Swedes, and English), it was expedient that the bargains should be signalised by some memorable solemnity. The friendly relations that were now established between the European colonists of this pro-

BOOK V.

1665. vince, and the powerful Indian tribes known by the title of the Five Nations, and which will afterwards demand a considerable share of our attention, were greatly promoted by the harmony which had subsisted between the Dutch and Indians during the government of Stuyvesant, whose prudence thus bequeathed a wise lesson and a valuable opportunity to the administration of his successor[5].

June. The court of assizes applied itself, without delay, to collect into one code the ancient customs of the province, with such additional improvements as the change of empire seemed to render necessary, and as served to introduce the supremacy that was ascribed to the jurisprudence of England. In this code, which was afterwards ratified by the Duke of York, there occur some laws that seem to denote the influence which the New England settlers in Long Island[6] no doubt exercised in its composition. Any child above sixteen years of age, striking his father or mother (except in defence of his own life), "at the complaint of the said father and mother, and not otherwise, they being sufficient witnesses thereof," was adjudged to suffer death. Travelling on Sunday was forbidden; and fornication was *punished by marriage*, fine, or corporal punishment, according to the discretion of the court. The barbarous state of medical science and practice was indicated by an ordinance, strictly prohibiting all surgeons, physicians, and midwives, from "presuming to exercise or put forth any act contrary to the known approved rules of art[7];" and the unsubdued state of nature appears

[5] Smith, 35. Chalmers, 575, 576, 577. 596. Colden's History of the Five Nations, i. 34.

[6] It was more probably to them than to the Dutch that Nichols alluded, when in a letter to the Duke of York he expressed his hope that "now even the most factious republicans must acknowledge themselves satisfied with the way they are in." Chalmers, 599.

[7] Both medicine and surgery were then in a very rude state in England, where the efficacy of royal touch for the king's evil was still believed and tried, and Sydenham's career had but recently begun. Notwithstanding a legal deter-

from the proposition of rewards for the destruction of wolves in Long Island[8]. The city of New York, which had enjoyed extensive privileges under the old government, was now incorporated and placed under the administration of a mayor, aldermen, and sheriff; the English official nomenclature serving additionally to link the provincial institutions with English jurisprudence. One of the highest acts of power that was reserved to the court of assizes was the imposition of taxes; and this it soon had occasion to exercise in order to meet the exigencies of the war which Charles the Second had at length succeeded in provoking with Holland. But even the most ungracious acts of Nichols were disarmed of their offence by the conciliating demeanour that caused the Dutch to forget he had been their conqueror, and by the moderation and integrity which he uniformly evinced, and the personal sacrifices that he readily incurred for the public advantage. An assembly of deputies from the Dutch and English plantations in Long Island, which he summoned to adjust the boundaries of their respective settlements, took the opportunity of their congregation to transmit an address to the Duke of York, acknowledging their dependence on his sovereignty according to his patent; engaging to defend his rights, and to submit cheerfully to whatever laws might be enacted by virtue of his authority; and requesting that their declaration might be accepted as a memorial against them and their heirs, if they should ever be found to fail in the performance of

mination pronounced in England, two centuries before this, that "a chirurgeon may cut off one member to save the rest" (State Trials, iii. 927), it was in France alone that a manufacture of surgical instruments existed till the end of the seventeenth century. Cheselden told Voltaire that he first introduced this manufacture into England in 1715. Age of Louis the Fourteenth, cap. 30. In Spain, as late as the year 1786, the treatment of fever was regulated by law. Townsend's Travels, iii. 140—142, &c.

[8] Collections of the New York Historical Society, vol. i. p. 326, 327. 333. 335. 347. 389.

BOOK V.

their duty[9]. Yet one portion of these people had but recently submitted to Nichols as the conquering leader of the troops of a foreign usurper; and the others had as recently been united to the liberal institutions of New England. So strongly does the universal story of mankind confirm the truth of Sully's observation, that where the people are not deceived by factious leaders, even arbitary power is seldom resisted when it is humanely employed; and that popular discontent evinces much less frequently a promptitude to assert just rights, than impatience of accumulated sufferings.

1665.

1666. The intelligence of the declaration of war with Holland, which was communicated by the Lord Chancellor (Clarendon) to Colonel Nichols, was accompanied with the assurance that the Dutch were preparing an expedition for the recovery of their American settlement, and that De Ruyter had received orders to sail immediately for New York[1]. Nichols exerted himself, with his usual energy, to resist the hostility of so formidable a foe; and though it appeared eventually, that either the chancellor's information had been erroneous, or that the expedition was suspended by De Ruyter's more important employments in Europe, the expense that attended the preparations for his reception, and the other consequences of the war, reduced the province to a state of considerable distress. As the people were destitute of shipping, their trade, which had been carried on by Dutch vessels, was totally lost; no supplies were sent from England to alleviate this

[9] Smith, 35, 36. Chalmers, 577, 598, 599.

[1] Hume (vii. 400) says that De Ruyter actually committed hostilities on Long Island before the declaration of war, in revenge for the capture of New York: but De Ruyter was not accustomed so imperfectly to avenge the wrongs of his country; and Hume has been misled by an erroneous account, or inaccurate recollection, of a more serious and successful attack on New York by the Dutch about seven years after this period, and in the course of a subsequent war.

CHAP. I.

calamity; and, in addition to other concomitant burdens of war, a general rate was imposed on the estates of the inhabitants by the court of assizes. Still there was every reason to apprehend that the supply that was raised would be insufficient, and the preparations consequently inadequate to repel the expected invasion. In this extremity, the governor, without pressing the people for further contributions to defeat an enterprise which many of them must have contemplated with secret satisfaction, wisely and liberally advanced his own money and interposed his credit to supply the public exigencies. Happily for the prosperity of the settlement, which Nichols, with the aid of the other English colonies, would have defended to the last extremity, neither the States-general, nor the Dutch West India Company, made any attempt to repossess themselves of New York during this war; and at the peace of Breda it was ceded to England, in exchange for her colony of Surinam, which had been conquered by the Dutch. This exchange was no otherwise expressed, than by a general stipulation in the treaty that each of the two nations should retain what its arms had acquired since hostilities began[2]. The Dutch had no reason to regret the exchange; for it was impossible that they could long have preserved New York against the increasing strength and rivalry of the inhabitants of New England, Maryland, and Virginia. It was by this treaty that Acadie was ceded to France, which had acted as the ally of Holland during the war, and was the only party that reaped advantage from it. England saw her character dishonoured by the injustice of the war; the glory of her arms tarnished by the disgrace at Chatham; the conquest achieved for her by Cromwell surrendered; and every one of the purposes

1666.

July, 1667. Holland cedes New York to England—

[2] Smith, 35, 36. Chalmers, 576. 578. Douglas, ii. 223.

BOOK V. for which the contest had been provoked, rendered utterly abortive[3].

1667. The security which the British dominion in New York derived from the treaty of Breda, occurred very seasonably to supply the useful services of Colonel Nichols, who, finding the pecuniary burdens of the war pressing too heavily on himself, was forced, in the beginning of this year, to resign an appointment which, at one time, seems to have rendered him as elate and happy as it had enabled him to make himself useful and beloved. The king, as a testimony of the approbation to which his eminent services were entitled, sent him a present of *two hundred pounds;* and this brave and modest loyalist was more gratified with the expression of royal favour than disappointed with the meanness and inadequacy of the remuneration. He was long remembered with respect and kindness by a people whom he had found hostile and divided; and whom, notwithstanding that he had been constrained to deprive them of liberty and independence, he left friendly, united, and contented[4]. The benefit of his successful exertions, together with the signal advantage of peace, and of the recognition by Holland of the British dominion, devolved on his successor, Colonel Lovelace, a man of quiet temper and moderate disposition, which in tranquil times so well supplied the absence of vigour and capacity, that the colony, during the greater part of six years that he presided over it, enjoyed a noiseless tenor of content and prosperity[5];

[3] The elevation that had been projected for the Prince of Orange, in particular, was defeated;—the states engaging to bestow a considerable appointment upon him when he should attain the age of twenty-two, but declaring their determination not to make him stadtholder. Sir William Temple's Works (folio), vol. i. p. 74.

[4] From his monument in Ampthill church, Bedfordshire, it appears that Nichols was killed on board the Duke of York's ship in a sea-fight with the Dutch in 1672. Within the pediment is fixed the cannon-ball that killed him, surmounted by this inscription: *Instrumentum mortis et immortalitatis.*

[5] A feeble attempt was made, indeed, in the year 1669, by one Coningsmark,

and the most memorable occurrence that signalised his administration, was the unfortunate event that brought it to a close. CHAP. I.

The second war with Holland, which the king undertook in subservience to the ambition of Louis XIV., was calculated no less to injure the trade of New York, than to disturb the harmony of its mixed inhabitants, and alienate the regards of the original colonists. The false and frivolous reasons that were assigned by the English court for this profligate war, rendered it more offensive to every Dutchman by adding insult to injury; and the gallant achievements of De Ruyter, that extorted the admiration and applause even of his enemies, must have awakened in the most languid bosoms of the Dutch colonists some sympathy with the glory and danger of their country, and a reluctance to the destiny that had associated them with her enemies. The intelligence of the Duke of York's recent profession of the catholic faith contributed to increase their discontent, which at length prevailed so far with a considerable body of them, that they determined to abandon New York, and either return to Holland, or seek out another settlement in the new world. Happily for English America, they were retained within her territory by the address of the proprietaries of Carolina, who prevailed with them to direct their footsteps towards this province, where, remote from foreign war, and surmounting hardships by patient industry, they formed a settlement that recompensed them for the habitations they had forsaken[6]. If more of their countrymen projected a similar migration, their purpose was suspended by 1672. 1673.

a Swede, to excite an insurrection of his countrymen in the Delaware territory against the English. The attempt was defeated without bloodshed, and Conings-mark was condemned to be sold as a slave in Barbadoes. Samuel Smith's Hist. of New Jersey, p. 53, 54.

[6] See *ante*, B. iv. Cap. i.

BOOK V.

1673.

an event which occurred the same year, and invited them to embrace a more gratifying deliverance from the irksomeness of their situation. A small squadron had been despatched from Holland, under the command of Binkes and Evertzen, to destroy the commerce of the English colonies; and having performed this service with great effect on the Virginian coast, they were induced to attempt a more important enterprise, by intelligence of the negligent security of the governor of New York. Repairing with secresy and expedition to this ancient possession of their country, they had the good fortune to arrive at the metropolis while Lovelace was at a distance, and the command was exercised by Colonel Manning, whose own subsequent avowal, added to the more credible testimony of his conduct, has recorded his character as a traitor and poltroon. Now was reversed the scene that took place when New York was invaded by Nichols. The English inhabitants prepared to defend themselves, and offered their assistance to Manning: but he obstructed their preparations, rejected their aid, and, on the first intelligence of the enemy's approach, struck his flag, before their vessels were even in sight. As the Dutch fleet advanced, his garrison could not forbear to demonstrate their readiness to fight; but, in a transport of fear, he forbade a gun to be fired, under pain of death; and surrendered the place unconditionally to the invaders[7]. The moderation of

[1] July.

Recaptures it—

[7] Manning, after all this extraordinary and unaccountable conduct, had the impudence to repair to England; whence he returned, or was sent back, when the province was again given up by the Dutch in the following year. He was then tried by court martial on a charge of treachery and cowardice, expressed in the strongest and most revolting terms. Confessing this charge to be true, he received a sentence almost as extraordinary as his conduct: "that though he deserved death, yet because he had since the surrender been in England, and *seen the king and the duke*, it was adjudged that his sword should be broke over his head in public, before the city hall, and himself rendered incapable of wearing a sword, and of serving his majesty for the future in any public trust." Smith, p. 42, 43. The old maxim that was respected on this occasion, that grace is dispensed by the mere look of a king, was denied a few years after to the unfortunate Duke of Monmouth.

the conquerors, however, showed them worthy of their success: and, hastening to assure all the citizens of the security of their rights and possessions, they inspired the Dutch colonists with triumph, and left the English no cause of resentment but against their pusillanimous commander. The same moderation being tendered to the other districts of the province, on condition of their sending deputies to swear allegiance to the States-general, the inclinations of one party, and the fears of the other, induced the whole to submit: the Dutch dominion was restored, still more suddenly than it had been overthrown; and the name of New Netherlands once more revived. But neither the triumph of the one party, nor the mortification of the other, was destined to have a long endurance.

CHAP. I. 1673.

Great was the consternation that these events excited in the adjoining colonies of the English. The government of Connecticut, with astonishing absurdity, sent a deputation to the Dutch admirals, to remonstrate against their usurpation of dominion over the territory of England, and the property of her subjects; to desire them to explain the meaning of their conduct, and their further intentions; and to warn them, that the united colonies of New England were intrusted with the defence of their sovereign's dominions in America, and would be faithful to their trust. To this ridiculous application, the Dutch commanders returned a soldierlike answer, expressing their surprise at the terms of it, but declaring that they were commissioned by their country to do all the damage in their power to her enemies by sea and land; and that, while they applauded the fidelity of the English colonies to their sovereign, they would imitate so good an example, and endeavour to approve themselves not less zealous and faithful in the service of the States-general. The most

BOOK V.

active preparations for war were forthwith made in Connecticut and the other confederated colonies; but as each party stood on the defensive, awaiting the invasion of the other, only a few insignificant skirmishes had taken place, when the arrival of winter suspended military operations. Early in the following spring, the controversy was terminated without further bloodshed, by the intelligence of the treaty of peace concluded at London, and of the restoration of New York to the English, by virtue of a general stipulation, that whatsoever countries might have been taken during the war, should be restored to the power that had possessed them at its commencement [8].

1673.

1674.

finally cedes it again.

The events of this war, both in Europe and America, were attended with important consequences to that portion of the North American population that derived its origin from Holland. The elevation to the dignity of Stadtholder, which the Prince of Orange had now derived from the fear and danger of his countrymen, and from their desire to propitiate the king of England [9], paved the way to his advancement to the English throne, and consequently to a reign under which the Dutch colonists, though disunited from Holland, ceased to regard the British sovereignty as a foreign domination. The effectual re-conquest of the province by the Dutch arms, and the final cession of it to England, by a pacific and conventional arrangement, cured the wound that had been inflicted by the injustice of England's original acquisition. Many of the Dutch colonists, besides, apprehensive of molestation, or, at least, despairing of favour from a government whose suspension had excited their undisguised triumph, were the more readily induced to follow their former companions,

[8] Smith, p. 36—41. 42, 43. Chalmers, p. 578, 579. 581. Trumbull, vol. i. p. 323—325.

[9] Temple's Works, vol. i. p. 376.

who had emigrated to Carolina[1]: and this dispersion of the Dutch tended at once to promote their friendly association with the English, and to divest New York of a distinctive character which might have obstructed the harmony between her and the other provinces, with which she was now to be for ever united. CHAP. I. 1674.

The Duke of York, understanding that some doubts had been suggested of the validity of his original grant, which had been executed while the Dutch government was in peaceable possession of the country, and which, even though originally valid, seemed to have been vacated by the intervening conquest, thought it prudent to remedy this defect, and signalise the resumption of his proprietary functions by obtaining a new patent. This deed, which was readily granted to his solicitation, recited and confirmed the former grant of the province. It empowered him to govern the inhabitants "by such ordinances as he or his assigns should establish; and to administer justice according to the laws of England, with the admission of an appeal to the king in council. It prohibited all persons from trading thither without his permission; and, though it allowed the colonists to import merchandises, it subjected them to payment of customs, according to the laws of the realm. Under the authority of this charter, the duke continued to rule the province (diminished however by the New Jersey territory which he had previously assigned to others) till his proprietary right was merged in his regal title. It seems at first sight not a little surprising, that neither in this nor in the former charter of the territory, did the brother of the king obtain a grant of the same extraordinary powers and privileges that had been previously conferred on the proprietaries of Maryland and Carolina. But relying on the greatness of his connexion

New charter granted to the Duke of York. June 29.

[1] See *ante*, B. IV. cap. i.

BOOK V.

1674. and his prospects, the duke was probably very little solicitous to share the dignities and immunities which these other proprietaries had procured for themselves; and, while as counts-palatine they exercised every act of government in their own names, he contented himself with ruling his territory in the name of the king. The misfortunes and evident incapacity of Lovelace precluded his reappointment to the office of governor, which was conferred on Edmund Andros, a man who disgraced superior talents

July 1. by the unprincipled zeal and activity with which he rendered them subservient to the arbitrary designs of a tyrant [2]. This officer, whose subsequent proceedings in New England have already introduced him to our acquaintance, now commenced that career in America which has gained him so conspicuous a place in the annals of almost every one of her states for twenty years after this period. He was ordered to disturb no man's estate while he received possession of the province from the Dutch, and to distribute justice in the king's name according to the forms that had been observed by his predecessors. But in order to raise a revenue and defray the expenses of government, a great variety of rates were at the same time imposed by the sole authority of the duke; and one Dyer was appointed the collector of these odious and unconstitutional impositions [3].

The duke, in his instructions to Andros, had recommended to him the exercise of gentleness and humanity; but his selection of him to administer the more arbitrary policy which he now began to pursue towards the colonists, gave more reason to suppose that the admonition was necessary, than that

[2] See Note V. at the end of the volume.

[3] Scott's Model of the Government of East New Jersey, p. 55—65. The charter is here recited at length. Smith, p. 41, 42, 43. Chalmers, p. 579, 580.

1675. Arbitrary government of Andros.

it would prove effectual: and accordingly the new governor had not been long in the province, when, besides embroiling himself with the neighbouring government of Connecticut, he excited the murmurs and remonstrances of the magistrates, the clergy, and the whole body of the people. The pressure of the arbitrary rates, suggesting especially to the settlers in Long Island the benefit of a representative assembly, they began at length to broach this proposition as a matter of constitutional right; but these first emotions of liberty were checked by Andros, with a vigour and decision for which he received the thanks of his master. A Dutch clergyman, named Renslaer, who had been recommended by the duke to the patronage of Andros, proved unacceptable to the people, and was punished by the magistrates of Albany for some language that was deemed improper. The governor interfered with his usual energy in the dispute, and having first loaded with insult a popular clergyman, whom Renslaer considered his rival, proceeded to adjudge all the magistrates to find bail to answer Renslaer's complaints, to the extent of £5000 each, and threw Leisler, one of their number, into prison for refusing to comply. But finding that he had, on this occasion, stretched his authority farther than he could support it, he was compelled to recede barely in time to prevent a tumult that might have dissolved the government. Apparently somewhat daunted with this defeat, he conducted himself with greater regard to prudence, and was able for a while to lead a quiet administration: but the seeds of popular discontent had been sown, and a strong desire for more liberal institutions took silent but vigorous root in the colony. This disposition, which the contagious vicinity of liberty in New England doubtless tended to keep alive, was fomented by a measure to

BOOK V.

which the governor resorted, to supply the inadequate returns from the colonial rates; the practice of soliciting pecuniary *benevolences* from the various communities and townships within his jurisdiction. This *badge of bad times*, as a colonial historian has termed it, is sometimes the promoter of those rights which it attacks indirectly and yet strongly suggests. In the close of the following year Andros was compelled to pay a visit to England, in order to obtain farther instructions adapted to the new scene that was about to open [4].

1676.

1677.

The revenue which the Duke of York had imposed on the province, had been limited to the duration of three years; and as this period was on the point of expiring, the interest both of the government and the people was fixed on the issue to which this emergency would lead. The people anxiously hoped that the very inadequacy of the present system of finance would induce their proprietary to consent to the desires they had expressed, and to seek the improvement of his revenue from the establishment of a representative assembly. But the duke was obstinately determined against this measure; and thought that he made a sufficient sacrifice to the advantage of the colonists, by simply enacting that the former rates should continue for three years longer. When Andros returned to his government with this unwelcome edict, the province was pervaded by universal discontent: and when a new edict, in the following year, announced an increase of the tax on the importation of liquors, the public indignation was expressed so vehemently, and so many complaints were transmitted to England, that the duke, in much surprise, recalled his governor to give an account of an administration that plainly appeared to be universally odious. This prince was determined that his sub-

1678.

1679.

Discontent of the colonists.

1680.

[4] Smith, p. 43—45. Chalmers, p. 580—582.

jects should be enslaved, and at the same time very willing that they should be happy[5]: and seeing no incompatibility between these circumstances, he supposed the more readily that Andros might have committed some enormities unconnected with his official functions, and called him home to ascertain if he had really so discredited legitimate tyranny. The inquiry, as might be expected, terminated in the honourable acquittal of the governor, who proved that he had committed no breach of trust; that he had merely evinced a temper suitable to his arbitrary functions, and enforced his master's orders with the rigour that was necessary to carry such obnoxious measures into execution. But circumstances which occurred in the colony, during the absence of Andros, determined the duke to forbear for the present to re-employ so unpopular an officer, or to risk his own authority in a farther contest with the desires of the people, till his hand should be strengthened by the grasp of a sceptre.

CHAP. I. 1680.

Dyer, the collector of the revenue, had continued ever since his appointment to perform his functions with great odium, but little opposition. Latterly, however, the people had begun to question the lawfulness no less than the liberality of a system of taxation originating with the duke alone; and when they learned that their doubts were sanctioned by the opinions of the most eminent lawyers in England, their indignation broke forth with a violence that had

[5] Such were also the sentiments of Charles the Second. Sir William Temple, who conversed intimately with him, says that he wished that every body should be easy, "and would have been glad to see the least of his subjects pleased." Works, vol. i. p. 449. Yet when Temple and others entreated him to alleviate the misery of the Scotch, by restraining the bloody hands of the duke of Lauderdale, they found it utterly impossible to prevail. Ib. 336. Lauderdale's conduct, indeed, at one time underwent a similar scrutiny to that which we have seen Andros abide. The result was nearly the same: the king (says Bishop Burnet) declaring, after a full inquiry, "I perceive that Lauderdale has been guilty of many bad things against the people of Scotland; but I cannot find that he has acted any thing contrary to my interest."

BOOK V.

nearly transported them to the commission of injustice still more outrageous than the wrongs they

1680. complained of. They accused Dyer of high treason, for having collected taxes without the authority of law; and the local magistrates seconding the popular rage, appointed a special court to try him on this absurd and unwarrantable charge. It was pretended that although he had not committed any one of the offences specified in the statute of treasons, yet it was lawful to subject him to the penalties of this statute, for the ancient and exploded crime of *encroaching power;*—one of those vague and unintelligible charges, which it had been the very purpose of the statute to abolish. But reason and humanity returned in the short interval between the impeachment and the trial: and when the prisoner demanded to know how his judges came to be invested with their functions, and if they did not act under an authority derived from the same prince, whose commission he himself enjoyed, the court interposed to suspend farther proceedings in the colony, and ordered him to be sent with an ac-

1681. cuser to England. He was of course discharged immediately after his arrival; and no accuser thought proper to appear against him. But if this prosecution was any thing more than a bold undesigning expression of popular displeasure and impatience, it completely effected the farthest purposes of its promoters; and to their spirited though irregular measures, New York was indebted for the overthrow of an odious despotism, and her first experience of systematic liberty. While the duke regarded with astonishment the violent proceeding by which his collector had nearly perished as a traitor, and had been banished from the colony without a voice being raised in his favour, he was assailed with expressions of the same sentiments that had produced

this violence, in a more constitutional, and therefore, perhaps, more disagreeable shape. The governor's council, the court of assizes, and the corporation of the city of New York, concurred with the whole body of the inhabitants in soliciting the duke to permit the people to participate in the legislative power: and while their conduct enabled him to interpret these addresses into a formal declaration that they would no longer continue to pay taxes without possessing an assembly, he was given to understand, by his confidential advisers, that the laws of England would support them in this pretension. Overcome by the united force of all these circumstances, and not yet advanced to the height whence he was afterwards enabled to regard the suggestion of legal obstructions with a smile [6], the duke first paused in his arbitrary career, and then gave a reluctant and ungracious assent to the demands of the colonists. Directions were sent to the deputy-governor on whom the administration had devolved in the absence of Andros, "to keep things quiet at New York in the mean time:" and shortly after, it was intimated to him that the duke could condescend to grant the desires of the people on condition of their raising money sufficient for the support of government, and of the principal inhabitants consenting to grant a written engagement that this should be done. At length, after wavering a little longer between fear and aversion, the duke gave notice of his final determination to establish in New York the same frame of government that the other colonies enjoyed, and particularly a representative assembly. The governor whom he nominated to conduct the new ad-

Feb. 1682.

The duke consents to give New York a free constitution.

September.

[6] See *ante*, B. II. cap. 5. One might almost be tempted to suspect Chalmers of an intention to satirize the duke by extravagance of unmerited praise, when he suggests as the reason for his acquiescence on this occasion, that "the continued adversity which had so long embittered his life, made him regard the rights and feel for the sufferings of others."

BOOK V. 1682.

ministration was Colonel Dongan, afterwards Earl of Limerick, a man of integrity, moderation, and agreeable manners, and, though a professed papist, which perhaps was his chief passport to the duke's favour, yet in the main acceptable, and justly so, to a people who regarded popery with suspicion and dislike. The instructions that were communicated to Dongan, required him to convoke an assembly, which was to consist of a council of ten, and of a house of representatives, not exceeding eighteen, to be elected by the freeholders. Like the other provincial legislatures, this body was empowered to make laws for the people, under the requisition of conformity to the general jurisprudence of the empire, and of subjection to the assent or dissent of the proprietary. Thus the inhabitants of New York, after being treated as a conquered people for nearly twenty years, and governed by the arbitrary will of the Duke of York and his deputies, were promoted by their own spirit and vigour to a participation in legislative rights; and by a singular coincidence obtained a free constitution at the very time when their old rivals, the colonists of New England, were deprived of it. Nothing could be more acceptable to them than this interesting change; and the ardent gratitude of their acknowledgments expressed much more justly their sense of the benefit, than the merit of their nominal benefactor [7].

The most interesting monument of the tyrannical administration which was thus suspended, is a report prepared by Andros, in reply to certain inquiries of the English committee of colonies in the year 1678; from which, and from a similar communication by the municipality of New York to the board of trade a few years after, some insight may be obtained into

[7] Smith, 60. History of the British Dominions in America, B. III. cap. 1. Chalmers, 581—584. State Papers, *apud eund.* 600. 604—606.

the condition of the province about this period. The city of New York, in 1678, appears to have contained 3430 inhabitants, and to have owned no larger navy than three ships, eight sloops, and seven boats. No account appears to have been collected of the population of the whole province, which contained twenty-four towns, villages, or parishes. About fifteen vessels, on an average, traded yearly to the port of New York, importing English manufactures to the value of £50,000, and exporting the productions of the colony, which consisted of land produce of all sorts, among which are particularised beef, pease, lumber, tobacco [8], peltry procured from the Indians, and 60,000 bushels of wheat. Of servants the number was small, and they were much wanted. Some unfrequent and inconsiderable importations of slaves were made from Barbadoes; and there were yet but very few of these unfortunate beings in the colony. Agriculture was more generally followed than trade. A trader worth £1000, or even £500, was considered a substantial merchant; and a planter worth half that sum in moveables was accounted rich. All the estates in the province were valued at £150,000. "Ministers," says Andros, "are scarce, and religions many." The duke maintained a chaplain at New York; which was the only certain endowment of the church of England. There were about twenty churches or meeting places, of which half were vacant. All districts were liable by law to the obligation of building churches and providing for ministers, whose emoluments varied from £40 to £70 a year, with the addition of a house and garden. But the presbyterians and independents, who formed the most numerous and substantial portion of the inhabitants, were the only classes who showed much willingness

CHAP. I. 1682.

[8] Denton states that the New York tobacco was considered equal in quality to the finest produce of Maryland, p. 3.

BOOK V.

1682.

to procure and support their ministers. Marriages were allowed to be solemnized either by ministers or by justices of the peace. There were no beggars in the province; and the poor, who were few, were well taken care of. The number of the militia amounted to 2000; comprehending 140 horsemen: and a standing company of soldiers was maintained, with gunners and other officers for the forts of Albany and New York. Such was the condition of the province about four years preceding the period at which we have now arrived. Four years after (in 1686), it was found to have improved so rapidly, that the shipping of New York amounted to ten three masted vessels, twenty sloops, and a few ketches of intermediate bulk. The militia had also increased to 4000 foot, 300 horse, and a company of dragoons[9]. The augmentation of inhabitants, indicated by this increase of military force, appears the more considerable, when we keep in view, that some time prior to this last mentioned period, the Delaware territory had been partly surrendered to Lord Baltimore, and partly assigned to William Penn.

[9] State Papers *apud* Chalmers, 598. 601—604.

CHAPTER II.

Colonel Dongan's Administration.—Account of the Five Indian Nations of Canada.—Their Hostility to the French.—Missionary Labours of the French Jesuits.—James the Second abolishes the Liberties of New York—commands Dongan to abandon the Five Nations to the French.—Andros again appointed Governor.—War between the French and the Five Nations.—Discontents at New York.—Leisler declares for King William, and assumes the Government.—The French attack the Province, and burn Schenectady.—Arrival of Governor Sloughter.—Perplexity of Leisler—his Trial—and Execution.—Wars and mutual Cruelties of the French and Indians.—Governor Fletcher's Administration.—Peace of Ryswick.—Piracy at New York.—Captain Kidd.—Factions occasioned by the Fate of Leisler.—Trial of Bayard.—Corrupt and oppressive Administration of Lord Cornbury.—State of the Colony at the Close of the Seventeenth Century.

CHAP. II.

August, 1683.

Colonel Dongan's administration.

COLONEL Dongan did not arrive at the seat of his government till a year after the date of his appointment; a delay which appears to have created some uneasiness, and was probably beneficial to the people, in affording time for the first ardour of an ill-merited loyalty to cool, and suggesting the precautions for preserving liberty that should signalise the first opportunity of exercising it. To relieve the public apprehensions, the governor proceeded at once to issue writs to the sheriffs, to convene the freeholders, for the purpose of electing their representatives in the assembly; and this legislative body soon afterwards held its first meeting at New York, to the great satisfaction of the whole province. One of the first ordinances which it framed naturally arose from the mixture of nations of which the population was composed, and was an

BOOK V.

act of general naturalization, securing and extending equal privileges to all. From this period the Dutch and English at New York were firmly compacted into one national body. They saw the daughter of their common proprietary married to the Stadtholder of Holland, and willingly cemented their own union by frequent intermarriage and the ties of consanguinity. There was passed, at the same time, an act *declaring the liberties of the people,* and one for defraying the requisite charges of government for a limited time. These, with a few other laws regulating the internal economy of the province, and, in particular, enacting its division into counties, were transmitted to the Duke of York, and received his confirmation, as proprietary, in the following year. An amicable treaty, which the governor effected, about the same time, with the provincial authorities of Connecticut, terminated, at length, the long-subsisting dispute with regard to the boundaries of Connecticut and New York [1].

1683.

1684.

But the administration of Colonel Dongan was chiefly distinguished by the attention which he bestowed upon Indian affairs, and by the increasing influence which now began to be exerted on the fortunes of the province by the state of its relations with the tribes composing the celebrated confederacy of *The Five Nations of Canada.* This federal association is said to have derived its origin from the most remote antiquity; and, as the name imports, it comprehended five Indian nations, of which the Mohawks have obtained the most lasting name, and which were united, on terms of the strictest equality, in a perpetual alliance, for united conquest and mutual defence. The members of this united body reckoned themselves superior to all the rest of

Account of the Five Indian Nations of Canada.

[1] Chalmers, 564, 565. Trumbull, i. 365, 366.

mankind, and the distinctive appellation which they adopted[2] was expressive of this opinion. But the principles of their confederacy display far more policy and refinement than we might expect from the arrogance of their barbarous name. They had embraced the Roman maxim, of increasing their strength by incorporating the people of other nations with themselves. After every conquest of an enemy, when they had indulged their revenge by some cruel executions, they exercised their usual policy in the adoption of the remaining captives; and frequently with so much advantage, that some of their most distinguished sachems and captains were derived from defeated and adopted foes. Each nation had its own separate republican constitution, in which rank and office were claimed only by age, procured only by merit, and enjoyed by the tenure of public esteem; and each was divided into three tribes, bearing respectively for their ensigns, and distinguished by the names of, the Tortoise, the Bear, and the Wolf. In no community was age graced with more respect, or youth endowed with greater beauty. Such was the efficacy of their mode of life in developing the fine proportions of which the human frame is susceptible, that, when the statue of the Apollo Belvidere was beheld, for the first time, by the American Apelles, Benjamin West, he started at the unexpected recognition, and exclaimed, "How like it is to a young Mohawk warrior." The people of the several nations, and especially the Mohawks, were distinguished by the usual Indian qualities of attachment to liberty, fortitude in the endurance of pain, and preference of craft and stratagem to undisguised operation in war[3], and by a more than usual degree of perseverance, resolution,

[2] *Onguc-honwe*—that is, "Men surpassing all others." Colden, i. 3.

[3] In this peculiarity most of the Indian tribes resembled the ancient Spartans; as they did also in the diligence with which they cultivated conciseness of speech.

BOOK V. 1684.

and active intrepidity. Almost all the tribes around this people, and even many at a great distance, who were not included in their confederacy, acknowledged a subjection to it, paid a tribute, which two aged sachems were annually deputed to collect [4], and were restrained from making war or peace without the consent of the Five Nations. It was the policy of all the chiefs to affect superior poverty, and to distribute among the people the whole of their own share of tribute and plunder. All matters of common concernment were transacted in general meetings of the sachems of each nation: and the influence of time, aided by a long course of judicious policy and victorious enterprise, had completely succeeded in causing the federal character and sentiments to prevail over the peculiarities of their subordinate national associations. In the year 1677, the confederacy possessed 2150 fighting men. When the *Tuscorora* tribe was vanquished, as we have seen, at a subsequent period, and expelled from its territory by the colonists of Carolina, the fugitives proposed, and were permitted, to revive their broken estate by engrafting it on this powerful confederacy; and as (in consequence of a supposition, derived from similarity of language, of their original derivation from the same stock to which they now returned), they were associated as a new member of the general union, instead of being intermingled with any particular portion of it, the confederacy soon after obtained the name of the Six Nations. Both the French and the English writers, who have treated of the character or affairs of this people, have concurred in describing them as at once the most judicious and politic of the native powers, and

[4] "I have often had opportunity to observe what anxiety the poor Indians were under, while those two old men remained in that part of the country where I was. An old Mohawk sachem, in a poor blanket, and dirty shirt, may be seen issuing his orders with as arbitrary an authority as a Roman dictator." Colden, i. 4.

the most fierce and formidable of the native inhabitants of America[5]. There was only wanting to their fame, that literary celebration which they obtained too soon from the neighbourhood of a race of civilized men, who were destined to eclipse, and finally extinguish, their greatness: and particularly from the pen of a highly-accomplished writer, Cadwallader Colden, one of the governors of New York, they have received the same historic service which his own barbarian ancestors derived from the writings of Cæsar and Tacitus.

When the French settled in Canada, in the beginning of this century, they found the Five Nations engaged in a bloody war with the powerful tribe of *Adirondacks;* in which, after having been themselves so severely pressed, that they were driven from their possessions round Montreal, and forced to seek an asylum on the south-east coast of Lake Ontario, the Five Nations had latterly succeeded in gaining a decided advantage, and had in turn constrained their enemies to abandon their lands situated above the *Three Rivers*, and fly for safety behind the strait where Quebec was built. The tide of success, however, was suddenly turned by the arrival of Champlain, who conducted the French colony, and who naturally joined the Adirondacks, because he had settled on their lands. The conduct, the bravery, and especially the fire-arms, of these new allies of the enemy, proved an overmatch for the skill and intrepidity of the Five Nations, who were defeated in several battles, and reduced to the greatest distress. It was at this critical juncture that the first Dutch ship arrived in Hudson's river, with the colonists who established themselves at Albany. The Five Nations, easily procuring from these neighbours a supply of that species of arms to which alone their enemies had been

[5] La Potherie's Hist. of North America. Colden's Hist. of the Five Nations, vol. i. Introduction, and p. 28. Smith, 46. Wentworth Greenhalph's Journal, *apud* Chalmers, 609. Galt's Life of West, Part I. p. 105.

BOOK V.

1684.

indebted for their superiority, revived the war with such impetuosity and success, that the nation of the Adirondacks was completely annihilated; and the French too late discovered, that they had espoused the fortunes of the weaker people [6]. Hence originated the mutual dread and enmity that so long subsisted between the French and the confederated Indians, and entailed so many calamities upon both. The French, less accustomed to the climate, and less acquainted with the country, than their savage enemies, attempted vainly to imitate their rapid and secret expeditions. A party despatched in the winter of 1665, by Courcelles, the governor of Canada, to attack the Five Nations, lost their way among wastes of snow, and after enduring the greatest misery, arrived, without knowing where they were, at the village of Schenectady, near Albany, which a Dutchman of consideration, named Corlear [7], had recently founded. The French, exhausted and stupified with cold and hunger, resembled rather an army of beggars than of hostile invaders, and would have fallen an easy prey to a body of Indians who were in the village, if Corlear, touched with compassion at their miserable appearance, had not employed both influence and artifice with the Indians, to persuade them to spare their unfortunate enemies, and depart to defend their own people against a more formidable attack in a different quarter, which he led them to expect. When the Indians were gone, Corlear and his townsmen brought refreshments to the famishing Frenchmen, and supplied them with provisions and

Their hostility to the French.

[6] To amuse the French, the Five Nations, at one time, sent them a proposal of peace, to which the French readily inclining, requested them to receive a deputation of Jesuits, whose exertions, they expected, would sincerely conciliate their friendship. The Five Nations willingly agreed, and desired to see the priests immediately: but the instant they got hold of them, they marched to attack the Indian allies of the French, and taking the priests with them as hostages, to enforce the neutrality of their countrymen, gave the Adirondacks a signal defeat. *Colden*, i. 28.

[7] This man enjoyed great influence with the Indians, who, after his death, always addressed the governors of New York with the title of *Corlear*, as the name most expressive of respect that they could employ. Colden, i. 32.

other necessaries to carry them home: having taught them by a sensible lesson, that it is the mutual duty of men to mitigate by kindness and charity, instead of aggravating by ambition and ferocity, the ills that arise from the rigours of nature, and the frailty of humanity. The French governor expressed much gratitude for Corlear's kindness, and the Indians never resented his benevolent stratagem: but their mutual warfare continued unabated. At length, after a long period of severe but indecisive hostilities, both parties, wearied of war, but not exhausted of animosity, agreed to a general peace, which was concluded in the year 1667, and had subsisted ever since without any considerable interruption, at the period when Colonel Dongan was made governor of New York. CHAP. II. 1684.

Of the relation that subsisted between the Dutch and the Five Nations, only confused and uncertain accounts have been preserved. The writers who have asserted that the Dutch were continually in close alliance and friendship with the Indians, seem to have derived their statements entirely from their own ideas of what was probable, and to have mistaken for an expression of particular friendship, the indiscriminate readiness of the Dutch to traffic with friend or foe. It is certain that at one time they were engaged in a bloody war with the Indians; though with what particular tribes, there are no means of ascertaining; and that during Stuyvesant's administration they enjoyed a peace with them, of which the benefit was transmitted to the English. When Colonel Nichols assumed the government of New York, he entered into a friendly treaty with the Five Nations; which, however, till the arrival of Dongan, seems to have been productive of no farther connexion than an extensive commercial intercourse, in which the Indians supplied the English with peltry in return for arms and ammunition, of the use of

BOOK V.

1684.

which, as long as they were not employed against themselves, the vendors were entirely, and, as it proved, unfortunately, regardless. The Indians adhered to the treaty with strict fidelity; but always showed a scrupulous niceness in exacting the demonstrations of respect due to an independent people; and in particular when any of their forces had occasion to pass near the English forts, they expected to be saluted with military honours. In the meantime the French Canadians were not remiss in availing themselves of their deliverance from the hostilities of these formidable Indians. They advanced their settlements along the river St. Lawrence, and in the year 1672 built Fort Frontignac on its north-west bank, where it rushes from the vast parent waters of Ontario. With a policy proportioned to the vigour of their advances, they filled the Indian settlements with their missionaries, who labouring with great activity and success, multiplied converts to their doctrines, and allies to their countrymen. The praying Indians, as the French termed their converts, were either neutral, or, more frequently, their auxiliaries in war. The Jesuits preached not to their Indian auditors the doctrines that most deeply wound the pride of human nature, nor a lofty morality which the conduct of the bulk of its nominal professors practically denies and disgraces. They required of their converts but a superficial change; an embracement of one superstition in place of another; and they entertained their senses, and impressed their imaginations, by a ceremonial at once picturesque and mysterious. Yet as, from the weakness of man, an admixture of error is inseparable from the best system of doctrine, so, from the goodness of God, a ray of truth is found to pervade even the worst. The instructions of the Jesuits, from which the lineaments of christianity were not wholly obliterated, may have contributed, in some instances, to form the divine image

Missionary labours of the French Jesuits.

in the minds of the Indians; and the good seed, unchoked by the tares, may, in some places, have sprung up to everlasting life. The moral and domestic precepts contained in the Scriptures were communicated, in some instances, with a happy effect: and various congregations of Indian converts were persuaded by the Jesuits to build villages in Canada in the same style as the French colonists, to adopt European husbandry, and to renounce spirituous liquors. The visible separation of the catholic priests from the family of mankind, by a superstitious renunciation of conjugal and parental ties, gave no small sacredness to their character, and a strong prevailing power to their addresses. In the discharge of what they conceived their duty, their courage and perseverance were equalled only by their address and activity. They had already compassed sea and land to make proselytes, and the threats of death and torture could not deter them from executing their commission. Many of them, though commanded to depart, continued to remain among tribes that were at war with their countrymen; and some of them, on the principle of becoming all things to all men, embraced Indian habits of living. One of these last, established himself so firmly in the affections of one of the tribes of the Five Nations, that although they continued faithful to the national enmity against the French, they adopted him as a brother, and elected him a sachem. With such industry, resolution, and insinuation, did the French Jesuits exert themselves to recommend their faith and their country to the affections of the Indians. The French laity, too, and especially their civil and military officers and soldiery, succeeded better than the generality of the English, in recommending themselves to the good graces of the savages. French vanity was productive of more politeness and ac-

BOOK V.

1684.

commodation[8] than English pride; and even the displeasure that the French sometimes excited by commission of injuries, was less intolerable than the provocation that the English too frequently inspired by a display of insolence. The stubborn disposition of the English was best fitted to contend with the obstructions of nature; the pliancy and vivacity of the French, to prevail over the jealousy of the natives. There were as yet no protestant missions in this quarter of America, which, in the following century, some New England clergymen, aided by a religious society in Scotland, were destined to illustrate by noble and successful exertions of missionary labour.

Colonel Dongan, who was not, like his predecessors, encumbered with a monopoly of all the functions of government, nor absorbed in struggles with popular discontent, had leisure for a wider survey of the state of his countrymen's relations with the Indians, and very soon discovered that the peace which was so advantageous to the French Canadian colonists, by enabling them to extend their fortifications and their commerce over a vast extent of country, was productive of severe inconvenience to some of the colonies of Britain, and threatened serious danger to them all. The Five Nations, inflamed by their passion for war, and finding a pretext for its gratification in the recollection of numerous insults that had been offered to them in the season of their adversity, had turned their arms southward, and conquered the country from the Mississippi to the borders of Carolina; exterminating numerous tribes and nations in their destructive progress. Many of the Indian

[8] A curious instance of the complaisance of this people is related by Oldmixon (ii. 229), in his account of a tribe of savages who were greatly charmed with the good breeding of the French, in always appearing stark naked at their mutual conferences. Charlevoix boasts, that the French are the only European people who have ever succeeded in rendering themselves agreeable to the Indians. Whatever reason he may have had for this boast, he had no reason to glory in the means by which they courted popularity.

allies of Virginia and Maryland sustained their attacks; and these colonies themselves were frequently involved in hostilities both in defence of their allies, and in defence of themselves against allies incensed by discovering that their invaders derived their means of annoying them from the English at New York. But this year, Colonel Dongan, in conjunction with Lord Effingham, the governor of Virginia, concluded with the Five Nations a definitive treaty of peace, embracing all the English settlements, and all tribes in alliance with them. Hatchets, proportioned to the numbers of the English colonies, were solemnly buried in the ground: and the arms of the Duke of York, as the acknowledged supreme head of the English and Indian confederacy, were suspended along the frontiers of the territories of the Five Nations[9]. This treaty was long inviolably adhered to; and the fidelity of its observance was powerfully aided by a renewal of hostilities between the Five Nations and their ancient enemies the French. It was at this time that the merchants of New York first adventured on the great lakes to the westward, hoping to participate in the trade which the French were carrying on with much profit in that quarter, and which they endeavoured to guard from invasion by prejudicing the Indians against the English, and by every art that seemed likely to obstruct the advances of their rivals. Dongan perceiving the disadvantages to which his countrymen were exposed, solicited the English ministry to take measures for preventing the French from navigating the lakes which belonged to the Five Nations, and, consequently, as he apprehended, to England. But he was informed that it was pre-

CHAP. II.

1684.

July.

9 When this treaty was renewed some years after, the sachem who acted as orator for the Indians thus addressed the colonial envoys. "We make fast the roots of the tree of peace and tranquillity, which is planted in this place. Its roots extend as far as the utmost of your colonies: if the French should come to shake this tree, we would feel it by the motion of its roots, which extend into our country." Colden, i. 109.

BOOK VI.

posterous to ask, or expect, that France would command her subjects to desist from an advantageous commerce for the benefit of their rivals: and he was directed rather by acts of kindness and courtesy to encourage the Indians to retain their adherence to England, and to make it the interest of all the tribes to trade with the English in preference to the French; observing withal such prudence as might prevent offence to European neighbours [1]. So far were these views from being realised, that from this time there commenced a series of disputes between the two nations, which for the greater part of a century engaged them in continual wars and hostile intrigues that threatened the destruction of their colonial settlements, cost the lives of many of the European colonists, and wasted the blood, and prolonged the barbarism of those unfortunate Indians who were involved in the vortex of their hostility.

1684.

1685. On the death of Charles the Second, the Duke of York ascended his brother's throne, and the province of which he had been proprietary devolved, with all its dependencies, on the crown. The people of New York received, with improvident exultation, the accounts of their proprietary's advancement to royalty, and proclaimed him as their sovereign with the liveliest demonstrations of attachment and respect. They had been for some time past soliciting with much eagerness a formal grant of the constitution that was now established among them; and the duke had not only promised to gratify them in this particular, but had actually proceeded so far as to sign a patent in conformity with their wishes, which, at his accession to the throne, required only some trivial solemnity to render it complete and irrevocable. But James, though he could not pretend to forget, was not

[1] Charlevoix, Hist. of New France, i. 220—237. Colden, i. 8. 18. 21—60. Smith, 58, 9. 61, 2. Kalm's Travels, iii. 162—164. Chalmers, 585—7.

ashamed to violate, as King of England, the promise which he had made when Duke of York; and a calm and unblushing refusal was now returned to the renewed solicitations of all the incorporated bodies, and the great bulk of the inhabitants of the province. Determined to establish the same arbitrary system in New York which he designed for New England, so far from conferring new immunities, he withdrew what had been formerly conceded. In the second year of his reign he invested Dongan with a new commission, empowering him, with consent of a council, to enact the laws, and impose the taxes; and commanding him to suffer *no printing press to exist*.[2] Though he now sent Andros to New England, he paused a while before he ventured to restore the authority of that obnoxious governor in New York. But the people beheld in his appointment to govern the colonies in their neighbourhood, an additional indication of their prince's character and their own danger, and with impatient discontent[3] endured a yoke which they were unable to break, and which they were prevented from exhibiting to public odium, and English sympathy, through the medium of the press.

1685.

James II. abolishes the liberties of New York. June, 1686.

Dongan, having been a soldier all his life, seems to have been fitted rather by habit to regard with indifference, than by disposition to enforce with rigour, a system of arbitrary power; and, accordingly, the remainder of his administration, though less favourable to his popularity, was not discreditable to his character, which continued to evince the same moderation, and the same regard to the public weal, as

[2] Holmes' American Annals, i. 395. Chalmers, 588.

[3] So great was the change produced in the sentiments of the colonists by this change of treatment, that we find Dongan writing this year to the English ministry, "I wish for more fortifications, as the people every day grow more numerous, and are of a turbulent disposition." State Papers, *apud* Chalmers, 601. This censure seems to be as unjust as the retort which his own character experienced at the Revolution, when a body of the inhabitants denounced him as "a wicked popish governor."

BOOK M. 1686.

before. Though a Roman catholic, he had beheld with alarm, and resisted with energy, the intrusion of the French priests into the settlements of the Five Nations; and even when his bigoted master was persuaded by the court of France to command him to desist from thus obstructing the progress of popish conversion, he continued nevertheless to warn his Indian allies, that the admission of the Jesuits among them would prove fatal to their own interests, and to their friendship with the English. He still insisted that the French should not treat with the Indians in alliance with his colony, without his privity and intervention: but the French court again employed their interest with his master; and he accordingly received orders to depart from this pretension. The Five Nations, however, seemed more likely to need the assistance of his forces than the suggestions of his policy. Their untutored sagacity had long perceived what the ministers of the court of England were not skilful enough to discern, that the extensive projects of France both threatened themselves with subjugation, and involved, to the manifest disadvantage of the English colonies, a diminution of their trade, and a removal of the powerful barrier that still separated them from the rival settlement of Canada. The treaty that excluded the Five Nations from hostile expeditions against the more distant tribes allied to the other English colonies, gave them leisure to attend with less distraction to their nearer interests: and finding themselves inconvenienced by the supplies which their numerous enemies derived from the French, they had of late chosen to consider this as a hostile act which they were entitled to chastise and obstruct, and had constantly attacked the Canadian traders who carried military stores to any tribe with whom they were at war. The French, under the conduct of two successive governors, De la Barre and

Nouville, had vainly endeavoured, partly by treaty and partly by force, to repress proceedings so injurious to their commerce, their reputation, and their political views; when Dongan perceiving that a war would probably ensue between the rivals and the allies of his countrymen, prevailed, by the most urgent entreaties, on the English court to invest him with authority to assist the Five Nations in the contest that menaced them. But the French ministers gaining information of these instructions, hastened to counteract them by a repetition of artifices which again proved successful. They had already more than once, by their hypocrisy and cunning, succeeded in outwitting the sincere bigotry of the English king; and they had now the address to conclude with him *a treaty of neutrality for America*, by which it was stipulated that neither party should give assistance to Indian tribes in their wars with the other. Armed with so many advantages, the French authorities in Canada resumed, with increased vigour, their endeavours to chastise by force, or debauch by intrigue, the Indian tribes who had preferred the English alliance to theirs; while Dongan was compelled to sacrifice the honour of his country to the mistaken politics of his master, and to abandon her allies to the hostility, and her barrier to the violation, of an insidious and enterprising rival. He could not, however, divest himself of the interest he felt in the fortunes of the Five Nations, and seized every opportunity of imparting to them advice no less prudent than humane, for the conduct of their enterprises, and the treatment of their prisoners. But his inability to fulfil former engagements, and afford them farther aid, greatly weakened the efficacy of his councils. Though the remonstrances of Dongan enabled the ministers of James to discover, in the following year, that the treaty of neutrality for America

CHAP. II.

1686. November. Commands Dongan to abandon the Five Nations to the French.

1687.

BOOK V. was prejudicial to the interests of England, it was impossible to prevent the king from renewing, in the close of the same year, this impolitic arrangement with France.

December, 1687.

But the king had no intention of relinquishing his empire in America: and his mind, though strongly tinctured with bigotry, was not unsusceptible of politic views; though he seems rarely to have mingled these considerations together. As his bigotry had prompted him to give up the Indians to the French; his policy now suggested the measure of uniting all his northern colonies in one government for their more effectual defence. It must be confessed, indeed, that he seems to have been at least as strongly prompted to this design by the desire of facilitating his own arbitrary government in the colonies, as by concern for their safety, or for the integrity of his dominions[4]. As his scheme included New York, and as he thought the people of this province now sufficiently prepared to abide the extremity of his will, he indulged the more readily the displeasure that Dongan had given him by obstructing the French Jesuits, which had been a subject of continual complaint from the court of France. The commission of this meritorious officer was accordingly superseded by a royal command to deliver up his charge to Sir Edmund Andros: and New York not only reverted to the dominion of its ancient tyrant, but beheld its existence as a separate province completely merged

April, 1688. Andros again appointed governor.

[4] Chalmers's account of this project of the king and of the measures which it produced (wherever the subject engages his attention, but especially in cap. 16) is strangely erroneous. He quotes, as words used by the king in explanation of his views (p. 425), expressions employed by a different person, and not ascribed at all to the king (Hutchinson, i. 371). He asserts also that Andros made an advantageous peace for the Five Nations with the French. Here indeed he is so far supported by an author to whom incorrectness is very unusual, and who says merely that "the Mohawks made peace with the French under the influence of Sir Edmund" (Hutchinson, i. 370). But the fact is, that the Five Nations were at war with the French during the whole of Andros's administration: and so totally unconnected was he with their affairs, that neither Smith nor Colden was aware of his having ever been a second time governor of New York.

in its annexation to the government of New England. Andros remained at Boston as the metropolis of his jurisdiction; committing the administration of New York to Nicholson, his lieutenant-governor: and though by the vigour of his remonstrances, and his reputation for ability, he compelled the French to suspend some encroachments which they were making or threatening to make on the English territories, he could lend no assistance to the Five Nations in the hostilities that were now carried on between them and the French with a mutual fury and ferocity that seemed totally to obliterate the distinction between civilized and savage men. The people of New York, deprived of their liberties, and mortified by their annexation to New England, felt themselves additionally ill used by the policy which compelled them to stand aloof and behold the fate of the allies to whom they had promised protection, together with their own most important interests suspended on the issue of a contest in which they were not suffered to take a share; while all the while their countrymen in the eastern part of New England were harassed by a dangerous Indian war which was believed on strong reasons to have been excited by the intrigues of the French [5]. But though deserted by the English, the Five Nations maintained the struggle with an energy that promised the preservation of their independence, and finally with a success that excited hopes even of the subjugation of their civilized adversaries. Undertaking an expedition with twelve hundred of their warriors against Montreal, they conducted their march with such rapidity and secresy as to surprise the French in almost unguarded security. The suddenness and fury of their attack proved irresistible. They burned the town, sacked the plantations, put a thousand of the French to the

CHAP. IV.

1688. 7

War between the French and the Five Nations.

July.

[5] See *ante*, B. ii. cap. 5.

BOOK VI

1688.

sword, and carried away a number of prisoners whom they burned alive; returning to their friends with the loss of only three of their own number. It was now that the disadvantage arising from the neutrality of the English was most sensibly felt, both in the cruelties with which the Indians stained the triumphs they obtained, and which the influence of a humane ally might have contributed to moderate[6], and also in the inability of the savages to improve their victories into lasting conquest. They strained every nerve indeed to follow up their advantage, and shortly after the attack on Montreal possessed themselves of the fort at Lake Ontario which the garrison in a panic abandoned to them; and being now reinforced by the desertion of numerous Indian allies of the French, they reduced every station that this people possessed in Canada to a state of the utmost terror and distress. Nothing could have saved the French from utter destruction but the ignorance which disabled the Indians from attacking fortified places: and it was evident to all that a single vigorous act of interposition by the English colonists would have sufficed to terminate for ever the rivalry of France and England in this quarter of the world[7].

1689. While this war between the French and the Indians was prolonged by indecisive hostilities, a scene of the utmost importance was preparing to open at New York. A deep and general disaffection to the government prevailed there among all ranks of men; and as the public discontents had been for some time plainly gathering to a head, some violent convulsion

Discontents at New York.

[6] The conduct which we have already witnessed in some of the Indian allies of the New England states, in their joint wars, may seem to render this a vain speculation. But the Five Nations were a far more reasonable and intelligent race of beings than the Pequods and Narraghansets. Colonel Dongan, whom they greatly loved and respected (Colden, i. 53), might have mollified their hostilities by his example, as he frequently and not altogether ineffectually attempted to do by his counsels.

[7] Oldmixon, i. 125. Colden, i. 60—93. Coxe's Carolana, Preface, p. 12, 13. Smith, 63—80. Chalmers, 428. 588—590.

was fearfully anticipated; and perhaps was suspended by divisions in sentiment arising from the different aspects in which the state of the times presented itself to different minds. To the wealthy and the discerning, the privation of liberty and the degradation of the province, appeared with justice the only public disadvantages which they had occasion to deplore, or were interested to remove. But a dread of popery had seized the minds of many of the poorer inhabitants, and not only diminished real and substantial evils in their esteem, but gone far to extinguish common sense in their understandings and common justice in their sentiments. The king's well known bigotry, his attempts to introduce popery in England, and his tyrannical suppression of liberty among themselves, inculcated this additional apprehension on their irritated minds; and the servile apostasy of some of the officers of government at New York, who endeavoured to court royal favour by professing to adopt the king's religion, appeared strongly to confirm it. Some angry feelings that had been excited in the commencement of Colonel Dongan's administration were now seen to revive and at once augment and diversify the prevailing ferments. At that period, notwithstanding the exertions of a former governor to adjust the boundaries of property in Long Island, a great many disputes on this subject prevailed in the same quarter between different individuals and different townships; and on Dongan had devolved the thankless office of adjusting these controversies by judgments which could hardly fail to engender a great deal of enmity against him. In such cases it too commonly happens that the arbitrator by seeking to gratify both parties, disappoints them both, and is taxed on all sides with partiality; or that studying only to enforce strict justice, he excites extreme discontent in those whom his award

CHAP. II. 1689.

BOOK V.

1689.

both deprives of the property they had hoped to keep or gain, and stigmatizes as unjust or unreasonable men. Most men possess sufficient ingenuity to supply them with plausible reasons for imputing the disappointment of their expectations to the dishonesty of those who obstruct or withhold them; and disappointed litigants have in all ages been notorious for the vehemence and acrimony of their spleen[8]. A great many persons who accounted themselves wronged by Dongan's adjudications, had made no scruple to impute their disappointments to the darkness and obliquity of his popish understanding. They conceived a violent jealousy of popish designs, which the recollection of their wrongs preserved unimpaired by the lapse of time and the character of Dongan's administration. These feelings were revived and inflamed by recent events and appearances: the apostasy of some of the public officers confirmed the apprehensions of popery; and the painful stroke inflicted by the establishment of civil tyranny was chiefly felt as aggravating the smart of a former and totally different injury. This class of persons esteemed popery the most terrible feature in the aspect of the times, and themselves as eminent victims of popish persecution; and considered these as by far the fittest considerations to unite the general resentment, and justify its vindictive reaction.

While the minds of men were thus agitated by common resentment, but restrained from cordial union by difference of opinion and variety of apprehension, the public expectation was awakened and elevated by intelligence from Europe of the designs of the Prince of Orange. Yet no commotion had

8 "May they be perpetually defeated in judicial controversies," was thought by the Greeks a curse worthy of being inserted in the denunciation they published against such as should violate the Amphictionic engagement. It is an observation of Thucydides that men are much more exasperated by a supposed injustice of which the benefit accrues to their equals, than by the most violent usurpation committed by their superiors.

ensued, when the important tidings arrived of the accession of William and Mary to the throne of England, and of the successful insurrection at Boston which had terminated the government of Andros. Even the contagious ferment excited by this last intelligence might have subsided without producing an explosion of popular violence, if the conduct of the local authorities of New York had not indicated an intention to resist, or at least a hesitation to concur with, the general revolution of the empire. Nicholson, the lieutenant-governor, and his council, not only refrained from proclaiming William and Mary, but despatched a letter to governor Bradstreet, at Boston, commanding, with haughty menace, the immediate release of Andros, and the suppression of the insurrectionary rabble [9] who had presumed to put him in confinement. Notwithstanding this demonstration of opposition to the revolution, the more reflecting part of the inhabitants clearly perceived that their local government must follow the fate of the rest of the empire, and were disposed calmly to wait for the spontaneous submission of Nicholson and his council to William and Mary, or the arrival of orders or help from Britain to reduce them. But the impatience of a considerable body of the people, and especially of those who were panic struck with the terrors of popery, could not abide this tedious issue, and was inflamed with the apprehension of some notable piece of craft from Nicholson and his associates in office [1].

May, 1689.

[9] Chalmers, in strains of equal arrogance, imputes the subsequent proceedings at New York to *the rabble* of this place. But a country where beggary and dependence are unknown, produces no class to which such an epithet can justly belong. The whole account he has given of the proceedings at this period is defaced by the grossest partiality.

[1] Thucydides thus characterizes the proceedings of the populace in one of the revolutions of Corcyra:—"Such as had the least wit had the best success; for both their own defect and the subtlety of their adversaries putting them into a great fear to be overcome in words, or at least in preinsidiation by their enemy's great craft, they therefore went roundly to work with them with deeds." B. iii.

BOOK IV.

1689.

This party found a chief in Jacob Leisler, a man of eager headlong temper and narrow capacity, and whose zeal against popery and former ill treatment by Andros, seemed to designate him the proper leader of the opposition to the political and religious enemies of the province. He had already committed the first act of resistance, by refusing to pay customs on some goods he had imported, alleging that the collector was a papist, and that there was no legitimate government in the colony. Nicholson having begun to make preparations for defending the city against a foreign invasion, and summoned the trained bands to garrison the fort, a report was circulated that the papists were preparing to massacre the protestants; and Leisler, who commanded a company of the trained bands, instantly marched at the head of a detachment of this body, and making his way into the fort, assumed the command of it in defence of the protestant cause, and in attendance on the orders of the king and queen of England. The precautions of the late king had deprived the people and their leaders of the power of diffusing their sentiments by the agency of the press; but a written declaration was subscribed by Leisler and his followers, importing that, although they had suffered many grievances from "a wicked popish governor, Dongan," they would have patiently awaited redress from England, if the violence and oppression of Nicholson and the schemes of the papists had not forced them to take arms and secure the fort, which they were ready to deliver up to such protestant officer as the king and queen might send to receive it. Leisler, finding that at first he was not joined by any persons of consideration in the province, despatched a messenger to King

June.

Leisler declares for King William, and assumes the government.

Hobbes' Translation. Hobbes' own summary of this passage and the context is, "In seditions and confusion, they that distrust their wits suddenly use their hands, and defeat the stratagems of the more subtle sort."

William, and, by negotiations with Massachusetts and Connecticut, succeeded in interesting the governments of these colonies on his side. But a report arising that an English fleet was approaching to assist the insurgents, they were instantly joined by all classes of people in New York; and Nicholson, afraid of sharing the fate of Andros, fled to England. Unfortunately for Leisler, the command which priority of resistance and the favour of the lower orders enabled him, his natural temper equally prompted him to retain, though surrounded by men who dreaded his violence and reluctantly submitted to his elevation. These new adherents had influence enough to cause a second proclamation to be issued, in which the unworthy censure on Dongan was omitted, and no stipulation whatever inserted as to the religion of the royal officer to whom the fort would be surrendered. It had been happy for all parties if the jealousy of Leisler's rivals had been satisfied with this wise and moderate control over his measures. But Courtlandt, the mayor of the city, Colonel Bayard, Major Schuyler, and a number of other gentlemen, unable to brook the superiority of a man whose rank and talents were inferior to their own, retired to Albany, and, seizing the fort there, declared that they held it for King William, and would maintain no connexion with Leisler. Each party now professed adherence to the same sovereign, and denounced the other as rebels to his authority. Leisler, though intrusted by the militia with the sole command, judged it prudent to associate some respectable citizens along with him in a station that was likely to prove so dangerous. Having fortified his own power by the appointment of a committee of safety at New York, he despatched his son-in-law, Milbourn, against the adverse faction at Albany. Courtlandt and his associates, burning with resentment, but averse to shed blood in such a

CHAP. II. 1689.

BOOK V. 1690.

quarrel, were relieved from their perplexity by a hostile irruption of French and Indians, which, by the desolation it inflicted on the surrounding country, either rendered their post untenable, or induced them to sacrifice their pretensions, for the purpose of enabling their countrymen to unite all the force of the province against the common enemy. Abandoning the fort to their rival, they took refuge in the neighbouring colonies; and Leisler, with vindictive rashness, proceeded to confiscate their estates. To add strength and reputation to his party, a convention was summoned by Leisler of deputies from all the towns and districts to which his influence extended; and this assembly, in which two deputies from Connecticut were admitted to assist with their advice, enacted various regulations for the temporary government of the province. But the acts of this body, and especially its financial impositions, were disputed by a powerful party among the colonists, whose indignation against Leisler was confined with difficulty to insults and menaces; and many of the English inhabitants of Long Island, while they expressed a reluctant submission to this chief, privately applied to Connecticut, and solicited this state to annex their insular settlements to its jurisdiction [2].

In this unhappy state of animosity and contention the colonists of New York continued altogether nearly two years, notwithstanding a revolution which, by elevating the stadtholder of Holland to the English throne, had promised to unite them together more firmly than ever. Happily, the quarrel exhibited no symptoms of national antipathy between the Dutch and English, who, without discrimination of races, embraced respectively the party to which their political sentiments attached them; and though much

[2] Smith, 61. 80—88. Hutchinson, i. 384, 385. Trumbull, i. 378. Chalmers, 591—593. 610.

evil passion and malignity were engendered between the two factions, no blood was shed by either while their commotions lasted. But, unfortunately, the miseries of foreign war and hostile invasion were soon added to the calamity of internal discord. The condition of the French in Canada had been suddenly raised from the brink of ruin by the arrival of a strong reinforcement from the parent state, under the command of a skilful and enterprising officer, the old Count de Frontignac, who now assumed the government of the French settlements, and quickly gave a different complexion to the affairs of his countrymen. He set on foot a treaty with the Five Nations, and succeeded, meanwhile, in obtaining a suspension of their hostilities. War had already been declared between France and England; and the dissensions among the inhabitants of New York seeming to invite an attack upon this province, he determined to revive the drooping spirits of his people by availing himself of this tempting opportunity of success. A considerable body of French and Indians was accordingly collected, and despatched in the depth of winter against New York. By a strange coincidence, which seemed to have been decreed for the purpose of staining the French name in America with the blackest ingratitude and dishonour, this party, like their predecessors in 1665, after wandering for twenty-two days through deserts rendered trackless by snow, approached the village of Schenectady in so exhausted a condition that they had determined to surrender themselves to the inhabitants as prisoners of war. But, arriving at a late hour on an inclement night, and learning from the messengers they had sent forward that the inhabitants were all in bed, without even the precaution of a public watch, they exchanged their intention of imploring mercy to themselves for a plan of nocturnal attack and massacre of the defence-

The French attack the province—

February.

BOOK V.

1690.

less people, to whose charity their own countrymen had once been so highly indebted. This detestable requital of good with evil was executed with a barbarity which of itself must be acknowledged to form one of the most revolting and terrific pictures that have ever been exhibited of human cruelty and ferocity. Dividing themselves into a number of parties, they set fire to the village in various places, and attacked the inhabitants with fatal advantage when, alarmed by the conflagration, they endeavoured to escape from their burning houses. The exhausted strength of the Frenchmen appeared to revive with the work of destruction, and to gather energy from the animated horror of the scene. Not only were all the male inhabitants they could reach put to death, but pregnant women were ripped up, and their infants dashed on the walls of the houses. But either the delay occasioned by this elaborate cruelty, or the more merciful haste of the flames to announce the calamity to those who might still fly from the assassins, enabled many of the inhabitants to escape. The efforts of the assailants were also somewhat impeded by a sagacious discrimination which they thought it expedient to exercise. Though unmindful of benefits, they were not regardless of policy, and of a number of Mohawk Indians who were in the village not one sustained an injury. Sixty persons perished in the massacre, and twenty-seven were taken prisoners. Of the fugitives who escaped half naked, and made their way through a storm of snow to Albany, twenty-five lost their limbs from the intensity of the frost. The French having totally destroyed Schenectady, retired loaded with plunder from a place where I think it must be acknowledged that even the atrocities of their countrymen in the Palatinate had been outdone.

and burn Schenectady.

The intelligence of this event excited the utmost

consternation in the province of New York. Forces were quickly raised to repel or retort the hostility of the French; and, on the application of Leisler, the colony of Connecticut sent a body of auxiliaries to his aid. It was found difficult to excite the Five Nations to join actively with allies who had once deserted them; but they declared that no arts of the French should ever prevail with them to take the part of an ancient enemy against an ancient friend. As the province of Massachusetts was severely harassed at the same time by Indian hostilities instigated and aided by Count Frontignac, a scheme was projected between the New England states and New York for a general invasion of Canada [3]. An expedition, commanded by Sir William Phipps, sailed from Boston against Quebec; and the united forces of Connecticut and New York, under the command of General Winthrop, were to march against Montreal. But Leisler's son-in-law, Milbourne, who acted as commissary-general, had made such imperfect provision for the expedition, that, partly from this defect, and partly from the inability of the Indians to supply as many canoes for crossing the rivers and lakes as it had been hoped they would furnish, the general was obliged to call a council of war, and, by their unanimous opinion, to order a retreat. The expedition against Quebec was equally unsuccessful. Leisler, transported with rage when he was informed of the retreat, caused Winthrop to be arrested, but was instantly compelled by universal indignation to release him. Infatuated by his dangerous elevation, this man began to display the spirit that goes before a fall. The government of Connecticut, incensed at the affront by which he had revenged the result of his own incapacity on the best officer and most respected inhabitant of their province, signified in very

CHAP. XII.

1690.

September.

[3] *Ante*, B. ii. cap. 5.

BOOK V.

1690. October.

sharp terms their astonishment and displeasure at his presumption, and warned him, with prophetic wisdom, that his state needed rare prudence, and that he had urgent occasion for friends[4].

King William had received Leisler's messenger with the most flattering encouragement, and admitted him to the honour of kissing his hand, as a testimony of his satisfaction with the proceedings at New York. But Nicholson, on his arrival in England, found means to make his party good with the king, and instil into his mind a prejudice, of which royalty rendered it very susceptible, against the insurgents both of Boston and New York. He returned thanks, indeed, to the people of New York, by Leisler's messenger, for their fidelity; but in none of his communications with either Boston or New York did he recognise the governors whom the people had appointed; and he demonstrated to the inhabitants of both these places how very lightly he respected their complaints against Andros and Nicholson, by subsequently promoting these men to the government of others of the American provinces. He would, doubtless, have continued to unite New York and Massachusetts in the same government; but plainly foreseeing that he must inevitably grant a charter to Boston, and that he might hope to evade a similar concession to New York, which had never yet possessed this advantage, he consented to the separation which both desired, and in August, 1689, committed the separate government of this province to Colonel Sloughter. In consequence, however, of the embarrassed situation of his master's affairs in England, this officer did not arrive at New York till the second year after his appointment, and till Leisler had possessed power so long that he was extremely unwilling, and exer-

19 March, 1691. Arrival of Governor Sloughter.

[4] Smith, 90—96. Trumbull, i. 379—385. Sewall, MS. Diary, *apud* Holmes, i. 403.

cised it with so much envy that he was exceedingly afraid, to surrender it. This ill-fated adventurer seems to have hoped to the last that the king would either continue him in his office or expressly sanction and reward his services; and when he found himself no otherwise noticed than by a summons from Colonel Sloughter to deliver up the fort, he answered in the language of folly and despair, that he would not give it up but to an order under the king's own hand. Such a resolution it was unfortunately possible to utter, though quite impracticable to maintain; and he only sealed his fate by this last frantic effort to evade it, and furnished his enemies with a legal pretext to destroy him, which otherwise they would have found it no easy matter to adduce. The new governor's ears were now readily opened to all the charges that Leisler's enemies hastened to prefer against him; and though he quickly abandoned the desperate purpose of defending the fort, he was denounced as a rebel, and committed to prison with his kinsman Milbourne and various others of his adherents on a charge of high treason.

CHAP. II.

1691.

Perplexity of Leisler—

Colonel Sloughter having thus established his authority in the province, proceeded to convoke an assembly which voted addresses in reprobation of Leisler's rebellious conduct, in holding out the fort against the governor. A general act of annulment was passed, not only against all the regulations that had been established by former royal governors and their counsels, but even against the laws that had been enacted by the popular assembly in 1683, on the strange and unintelligible pretext, that having never been observed by the late king, they had ceased to be binding on the people. As some doubt had arisen, whether, in the absence of a charter, the assembling of a representative body was an inherent right of the people, or a mere grace from the king,

April.

BOOK V.

1691. this assembly passed a remarkable law, declaring that this and all the other liberties of Englishmen belonged of right to the colonists; but this act was afterwards annulled by King William. Leisler and

his trial— Milbourne were now brought to trial, and, vainly pleading their meritorious services in originating the revolution of the province, were convicted, and received sentence of death. The governor still hesitated to destroy the two persons, who, of all the inhabitants, had first declared themselves in favour

May. of his sovereign; and, shortly after the trial, wrote to the English ministers to direct him in what manner the convicts should be disposed of: but he had hardly taken this step, when the renewed instances of their enemies induced him to alter his purpose,

and execution. and issue the warrant of death, which was instantly carried into execution [5]. The adherents of Leisler and Milbourne, who had been much enraged at the sentence, were filled with terror and astonishment when they saw it carried into effect, and began to fly in such numbers from the province, that it was found necessary to pass in haste a general act of indemnity. Leisler's son complained to the king of the execution of his father, and the confiscation of his property; and the privy council reporting that, although the trial and execution were legal, it was advisable, under all the circumstances of the case, to restore the forfeited estate, this was all the grace that could for some time be obtained. But a compensation more honourable and satisfactory was awarded to them soon after; and, under the reign of the same king, the English parliament enacted a reversal of the colonial attainder. The passions which Leis-

[5] "When no other measures could prevail with the governor, tradition informs us that a sumptuous feast was prepared, to which Colonel Sloughter was invited. When his excellency's reason was drowned in his cups, the entreaties of the company prevailed with him to sign the death-warrant, and before he recovered his senses the prisoners were executed." Smith, 104.

ler's administration had excited in one party, and which his execution had communicated to the other, continued long to distract the public councils, and embitter the private intercourse, of the inhabitants of New York[6]. CHAP. II. 1691.

The most respectable act of Sloughter's short administration was a conference which he held with the chiefs of the Five Nations, who admitted that they had so far relaxed their hostile purposes against the French, as to entertain propositions for a lasting peace with them; but now willingly consented to *brighten*, as they termed it, *their ancient belt of friendship*, and to renew a league, offensive and defensive, with the English. "We remember," they declared, "the deceit and treachery of the French: the belt they have sent us is poison; we spew it out of our mouths; and are resolved to make war with them as long as we live." On his return from this conference, a sudden death put a period to Sloughter's administration[7]. July.

To animate the Indians in the purposes they had now professed, and to sharpen by exercise their hostility against the French, Major Schuyler, who had acquired extraordinary influence with the Five Nations by his courage, good sense, and friendly attention to their interests, undertook, in the close of this year, an expedition against Montreal at the head of a considerable body of colonial and Indian forces. Though the invaders were finally compelled to retreat, the French sustained great loss in several encounters, and the spirit and animosity of the Five Nations were whetted to such a pitch, that even when their allies retired, they continued during the winter to wage incessant and harassing hostilities with the French. Count Frontignac, whose sprightly manners and ener- Wars and mutual cruelties of the French and Indians.

[6] Smith, 85. 97—105. Chalmers, 594. 611, 612.
[7] Colden, i. 131—134. Smith, 105, 6.

BOOK V. 1692.

getic character supported the spirits of his countrymen amidst every reverse, was at length so provoked with what he deemed the ingratitude of the Five Nations for his kindness to them at Schenectady, that, besides encouraging his own Indian allies to burn their prisoners alive, he at length condemned to a death still more dreadful two Mohawk warriors who had fallen into his hands. In vain the French priests remonstrated against this sentence, and urged him not to bring so foul a stain on the christian name: the count declared that every consideration must yield to the safety and defence of his people, and that the Indians must not be encouraged to believe that they might practise the extreme of cruelty on the French without the hazard of having it retorted on themselves. If he had been merely actuated by politic considerations, without being stimulated by revenge, he might have plainly perceived, from the conduct of all the Indian tribes in their wars with each other, that the fear of retort had no efficacy whatever to restrain them from their barbarous practices, which he now undertook to sanction as far as his example was capable of doing. The priests, finding that their humane intercession was ineffectual, repaired to the prisoners, and laboured to persuade them to embrace the christian name, as a preparation for the dreadful fate which they were about to receive from christian hands; but their instructions were rejected with scorn and derision, and they found the prisoners determined to dignify, by Indian sentiments and demeanour, the Indian death which they had been condemned to undergo. Shortly before the execution, some Frenchman, less inhuman than his governor, threw a knife into the prison, and one of the Mohawks immediately despatched himself with it: the other, expressing contempt at his companion's mean evasion from glory, walked to the

stake, singing, in his death-chant, that he was a Mohawk warrior, that all the power of man could not extort an indecent expression of suffering from his lips, and that it was ample consolation to him to reflect that he had made many Frenchmen suffer the same pangs that he must now himself undergo. When attached to the stake, he looked round on his executioners, their instruments of torture, and the assembled multitude of spectators, with all the complacency of heroic fortitude; and, after enduring for some hours, with composed mien and triumphant language, a series of barbarities too atrocious and disgusting to be recited, his sufferings were terminated by the interposition of a French lady, who prevailed with the governor to order that mortal blow, to which human cruelty has given the name of *coup de grace*, or stroke of *favour*[8]. CHAP. II. 1692.

It was with great reluctance that King William had surrendered to the American colonies any of the acquisitions which regal authority had derived from the tyrannical usurpations of his predecessors: and his reign was signalised by various attempts to invade the privileges which at first he had been compelled to respect or to restore. He was informed by the English lawyers that he could not refuse to recognise the charter of Connecticut with all its ample privileges, and he was baffled in his attempt to procure an act of parliament to annul it. But as New York, never having had a charter, was judged to be not legally entitled to demand one, he

[8] Colden, i. 135, 6. 139—145. Smith, 107, 8. Such fortitude was no unusual display in an American savage; and the subsequent execution of *Damien* at Paris renders the act of Frontignac at least no solitary instance in the history of civilised France. The execution of the English regicides in 1660, and of the Scottish rebels in 1745, exhibited scenes little less disgraceful to humanity. Probably, in all such cases of the addition of torture to death, cruelty completely overreaches itself, and, diverting the mind of the sufferer from the one last enemy whose attack he cannot repel, relieves it by involving him in the animation of a contest where victory is in his own power. The more simple the mortal act is made, and the more of melancholy respect that is shown to life, even in taking it away, the more impressive and formidable an execution appears.

BOOK M. 1692.

determined not only to deprive it of this advantage, but, through the medium of its undefined constitution, and the utter absence of restriction on the powers with which he might invest its governor, to attempt an encroachment on the envied privileges of Connecticut. Colonel Fletcher, a man of sordid disposition, violent temper, and shallow capacity, yet endowed with a considerable share of activity, was the governor who next arrived to represent the king at New York[9], and to him was intrusted the execution of the design that William had conceived against the neighbouring colony. For this purpose he had been invested with plenary powers of commanding, not merely the militia of New York, but all his majesty's militia in the colonies of that quarter of America. His first step towards effectuating this encroachment was to send a commission to Governor Trent, who already commanded the militia of Connecticut according to the institutions of the provincial charter; and the reception of this, even in the light of a mere supererogatory confirmation, it was probably hoped would pave the way to a more thorough establishment of the king's pretensions. But Connecticut had then, both in the offices of her government and the ranks of her people, abundance of men, who, thoroughly appreciating the privileges they enjoyed, had sense to see, and spirit to resist, every attempt to violate them; and the tender of Fletcher's commission was not only flatly refused but made the subject of a vigorous remonstrance. Incensed at such contumacy, as he was pleased to regard it, Fletcher proceeded with his usual impetuosity to Hartford, and commanded the assembly of the state, who were sitting, to place their militia under his orders, as they would answer it to the king.

August. Governor Fletcher's administration. 1693.

[9] He was appointed also Governor of Pennsylvania by the king who had deprived William Penn of his proprietary functions.

He even proceeded to such a length as to threaten to issue a proclamation calling on all who were for the king to join him, and denouncing all others as guilty of disloyalty and sedition. Finding his menacing injunctions received with a calm but firm refusal, he presented himself with one of his council, Colonel Bayard, to the militia at their parade, and expecting that a royal warrant would find greater favour with the men than it had done with their civil rulers, he commanded Bayard to read his commission aloud, as an act of declaratory possession of the authority to which he pretended. But Captain Wadsworth, who was always present when the liberties of his country were in danger, and who had once before saved the charter of Connecticut from invasion[1], now stepped forward to prevent the privileges it conveyed from being abridged or insulted, and commanding the drums to beat, completely drowned the obnoxious accents. When Fletcher attempted to interpose, Wadsworth supported his orders with such an energy of determination, that the meaner genius of his antagonist was completely rebuked; and seeing the countenances of all around kindling into sympathy with their patriot's fervour, he judged it best to consult his safety by a hasty departure to New York, where his spleen, at least, could not be obstructed by any exceptions to his commission. The king, with the view of covering his defeat, or of trying whether legal chicane could repair it, ordered this matter to be submitted to the opinion of the attorney and solicitor general of England; and on their reporting without hesitation in favour of the plea of Connecticut, an order of council was passed in conformity with their report; as if the matter at issue had involved a mere local dispute between two provincial jurisdictions, in which the king was to exercise the

CHAP. II. 1693.

[1] *Ante*, B. ii. cap. 5.

BOOK V.

dignified functions of supreme and impartial arbitrator[2].

1693. It was fortunate for New York that the incapacity of her governor was prevented from being so detrimental as it might otherwise have proved to her Indian interests, by the confidence he reposed in Major Schuyler, whose weighty influence was employed to preserve the affections and sustain the spirit of the Five Nations. Yet so imperfectly were they assisted by the colony, that Frontignac, even while occupied with other hostilities in New England, was able by his vigour and activity to give them a severe defeat. Roused by this intelligence, Fletcher assembled the militia of New York, and abruptly demanding who was willing to march to the aid of their allies against the French, the men threw up their hats in the air and answered unanimously "One and all." The march was effected with a rapidity that highly gratified the Indians; and though it produced no substantial advantage to them, it was so favourably regarded as a demonstration of promptitude to aid them, that they were prevented from embracing Frontignac's offers of peace. They could not help observing however that it was too frequent with the English to defer their succours till they had become unavailing; and that while the whole of the power of France in America was concentrated in simultaneous efforts to maintain the French dominion, the English colonies acted with partial and divided operation, and Maryland and Delaware in particular (though the quarrel was said to be a national one) took no share in the hostilities at all[3].

But the vigour of Governor Fletcher was more

[2] Smith, 110. Trumbull, i. 390—395, and Appendix, 541—545. In the commission from George the Second to Sir Danvers Osborn (recited at length by Smith, p. 321, &c.) the right of commanding the Connecticut militia was again conferred on the governor of New York.

[3] Colden, i. 148. 156—158. Smith, 110—113.

frequently and strenuously exerted in contentions with the house of assembly, than in aiding the Indians; though it was to his services in this last department that he owed what little popularity he enjoyed in the province. A bigot himself to the church of England, he laboured incessantly to introduce a model of her establishment in New York, and naturally encountered much resistance to this project from the opposite predilections of the Dutch and other presbyterian inhabitants. At length his efforts succeeded in procuring a bill to be carried through the lower house, or assembly of representatives, for settling ministers in the several parishes: but when the council adjected to the clause which gave the people the privilege of electing their own ministers, a proviso that the governor should exercise the episcopal power of approving and collating the incumbents, this amendment was directly negatived by the assembly. The governor, exasperated at their obstinacy, called the house before him, and prorogued their sitting with a passionate harangue. "You take upon you," said he, "as if you were dictators. I sent down to you an amendment of but three or four words in that bill, which though very immaterial [4], yet was positively denied. I must tell you, it seems very unmannerly. It is the sign of a stubborn, ill temper. You ought to consider that you have but a third share in the legislative power of the government; and ought not to take all upon you, nor be so peremptory. You ought to let the council have a share. They are in the nature of the House of Lords or upper house; but you seem to take the whole power in your hands, and set up for every

CHAP. II. 1693. September.

[4] It is surprising that he was not sensible of the inappropriateness of this observation, which, had it been true, would have rendered his own passion exceedingly ridiculous. But the governor was at all times an indifferent reasoner: and anger, with which he was very subject to be overtaken, has always been more promotive of rhetoric than of logic.

BOOK V.

thing. You have sat a long time to little purpose, and have been a great charge to the country. Ten
1693. shillings a day is a large allowance, and you punctually exact it. You have been always forward enough to pull down the fees of other ministers in the government. Why did not you think it expedient to correct your own to a more moderate allowance?" The members of assembly endured his rudeness with invincible patience; but they also obstructed his pretensions with immoveable resolution.
1694. In the following year, their disputes were so frequent that all business was interrupted; and the governor seemed to have embraced the determination of convoking the assembly no more. But though his own emoluments were secured by an act that had established the public revenue for several years yet to come, the necessity of raising further supplies to make presents to the Indians, and the arrival of a body of troops from Britain, obliged him to alter his determination. He had been required also by the king to lay before the assembly an assignment which his majesty had framed of the quotas to be respectively contributed by the colonies for the maintenance of an united force against the
1695. French [5]. The assembly could not be prevailed with to pay the slightest attention to this royal assignment. But they made a liberal grant of money for the support of the troops that had arrived, and added a present to the governor; who now perceiving that the people of New York were totally unmanageable by insolence and passion, but might be made subservient to his avarice, ceased to harass himself and them by farther pressing obnoxious schemes, and maintained

5 The list of the respective quotas was as follows:—

Pennsylvania	80*l.*	Rhode Island and Providence	48*l.*
Massachusetts	350	Connecticut	120
Maryland	160	New York	200
Virginia	240		

This assignment seems nowhere to have received much attention or any respect.

a good correspondence with the assembly during the remainder of his administration. In this respect he was more successful than some of the future governors of the province, whose remarkable unpopularity during many years of honest and praiseworthy exertion has excited some surprise in those who have not examined with sufficient minuteness the whole of their official career. Like Fletcher, these officers conceiving themselves vested with regal power uncircumscribed by chartered rights, looked on the provincial inhabitants as an inferior people, and began their administration with insolent demeanour and arbitrary pretensions: like him they learned wisdom from experience; but their wisdom came a day too late; the people had ceased to be as placable as in former times; and the spirit of liberty, thoroughly exercised, had become prompt to repel as well as firm in resisting injustice. Their government was impeded by the total want of a public confidence, which having once deservedly forfeited, they found that even a complete change of measures was insufficient to regain. From ignorance or disregard of such considerations as these (which a very attentive perusal of colonial controversy has impressed upon me), it has often been thought that the government of this province was embarrassed by the factious obstinacy of a perverse and unreasonable people, when in truth the governors were but reaping what themselves had sown, and struggling with the just suspicions that their original misconduct had created. In the unchartered province of Virginia, as well as in New York, such also were, not unfrequently, the proceedings of the British governors, and the complexion of their administrations: and Britain, it must be confessed, by employing such functionaries and promoting such policy, took infinite pains to educate the principles of liberty in those of her colonial de-

CHAP. II. 1695. C. 31

BOOK V.

pendencies, where they seemed least likely to attain a flourishing growth.

1695. The remainder of Fletcher's administration was not distinguished by any occurrence that deserves to be particularly commemorated. The war between the French and the Five Nations sometimes languished by the address of Frontignac's negotiations, and was oftener kindled into additional rage and destruction by his enterprise and activity. Neither age nor decrepitude could chill the ardour of this man's spirit, or impair the resources of his capacity. On the threshold of his own fate[6], and supported in a litter, he flew to every point of attack or defence, to animate the havoc of war, and contemplate the execution of his plans. His own bodily situation had as little effect in mitigating his rigour, as in diminishing his activity: and as their hostilities were prolonged, the French and the Indians seemed to be inspired with a mutual emulation of cruelty[7] in victory, no less than of prowess in battle. The prisoners on both sides were made to expire in tortures; and the French, less prepared by education and physical habits for such extremities of suffering, endured a great deal more evil than they were able to inflict.

1696. On one occassion, when Frontignac succeeded in capturing a Mohawk fort, it was found deserted of all its inhabitants except a sachem in extreme old

[6] He died very soon after the restoration of peace by the treaty of Ryswick. Smith, 133.

[7] In truth, this emulation was more than a mere semblance. On one occasion a deliberate competition was made between the French and a tribe in alliance with them, to ascertain which people could inflict the most ingenious cruelty on a Mohawk prisoner. Of the horrid tragedy that ensued, I shall give no further account than that the Indians greatly excelled their competitors, and threw the French into transports of laughter by the fantastic variety of the tortures they inflicted. The French soldiers appear to have been prompted to this brutality by mere revenge and ferocity. Their commander's object on this occasion was to create irreconcilable enmity between a tribe newly allied to him and the Five Nations. Colden, i. 194, 5. It may surprise a philosopher to consider, that these Frenchmen were the countrymen and cotemporaries of Pascal, Fenelon, and Arnauld. It will edify a christian to remember, that these eminent saints were beings of the same nature with the civilised and the savage perpetrators of such atrocities in Canada.

age, who sat with the composure of an ancient Roman in his capitol, and saluted his civilised compeer in age and infirmity, with dignified courtesy and venerable address. Every hand was instantly raised to wound and deface his time-stricken frame; and while French and Indian knives were plunged into his body, he recommended to his Indian enemies rather to burn him with fire, that he might teach their French allies how to suffer like men. "Never, perhaps," says Charlevoix, "was a man treated with more cruelty; nor ever did any endure it with superior magnanimity and resolution [8]." The governor of New York, meanwhile, encouraged the Five Nations, from time to time, to persevere in the contest, by endeavouring to negotiate alliances between them and other tribes, and by sending them valuable presents of ammunition and of the European commodities which they principally esteemed: and their intercourse with him fluctuated between grateful acknowledgments of these occasional supplies, and angry complaints that he fought all his battles by the instrumentality of the Indians. Indeed, except repelling some insignificant attacks of the French on the frontiers of the province, the English governor took no actual share in the war, and left the most important interests of his countrymen to be upheld against the efforts of a skilful and inveterate foe, by the unaided valour of their Indian allies. The peace of Ryswick, which interrupted the hostilities of the

CHAP. II.

1696.

September, 1697.

[8] Neither the French nor the Indians, however, slew all their prisoners. A great many remained to be exchanged at the end of the war: and on this occasion it was remarked, that all the Indians returned with great alacrity to their friends, but that in many cases it proved very difficult, and in some utterly impossible, to induce Frenchmen, who had lived a few years with the Indians and embraced their habits, to return to civilised life. The English found it no less difficult to prevail with their friends who had been taken prisoners by the French Indians, and lived for any considerable time with them, to return to New York; "though no people enjoy more liberty, and live in greater plenty, than the common inhabitants of New York do." Colden, i. 212.

So many English prisoners have remained and married in the Indian settlements (says Professor Kalm), and so many French traders have spontaneously united themselves to the Indians, that "the Indian blood in Canada is very much mixed with European blood, and a great part of the Indians now living (1749) owe their origin to Europe." Travels, iii. 153. 276.

BOOK V.

French and English, threatened at first to be attended with fatal consequences to the allies, to whose exertions the English had been so highly indebted; and if Fletcher had been permitted to continue longer in the government of New York, this result, no less dangerous than dishonourable to his countrymen, would most probably have ensued. A considerable part of the forces of Count Frontignac had been employed hitherto in warlike operations against Massachusetts and New Hampshire, in conjunction with the numerous Indian allies whom he possessed in that quarter. But the peace of Ryswick, of which he now received intelligence, enabled him to concentrate his whole disposeable force against the only foe that remained to him: and refusing to consider the Five Nations as identified with the English, he prepared to invade them with such an army as they never before had to cope with, and overwhelm them with a vengeance which they seemed incapable of resisting. But Fletcher had now been very seasonably succeeded by the Earl of Bellamont, who was appointed governor both of New York and Massachusetts; and this nobleman being endowed with a considerable share both of resolution and capacity, clearly perceived the danger and injustice of suffering the French project to be carried into effect, and promptly interposed to counteract it. He not only furnished the Five Nations with an ample supply of ammunition and military stores, but notified to Count Frontignac, that if the French should presume to attack them, he would march with the whole forces of his province to their aid. The count thereupon abandoned his enterprise, and complained to his sovereign (Louis the Fourteenth) of the interruption it had received; while Lord Bellamont, in like manner, apprised King William of the step he had taken. The two kings commanded their respective governors to lend assistance to each other and evince a spirit of accommoda-

1697.

1698. Peace of Ryswick

April.

tion in making the peace effectual to both nations, and to leave all disputes concerning the dependency of the Indian tribes to the determination of the commissioners who were to be named in pursuance of the treaty of Ryswick. Shortly after the reception of these mandates, a peace was concluded between the French and the Five Nations: but not till English insolence and French cunning had nearly detached these tribes entirely from the alliance they had so steadily maintained, by leading them to believe that the English interposed in their concerns for no other reason than that they accounted them their slaves. The French endeavoured to take advantage of their ill humour by prevailing with them to receive an establishment of Jesuits into their settlements. But although the Indians at first entertained the offer, and listened with their usual gravity and politeness to the artful harangue of a Jesuit who had been sent to enforce it[9], their habitual sentiments soon prevailed over a transient discontent, and they declared their determination to adhere to the English, and to receive, instead of the French priests, a ministry of protestant pastors which Lord Bellamont had proposed to establish among them[1].

CHAP. II. 1698.

Some abuses that prevailed, and some disorders that were likely to arise at New York, had induced King William to bestow the government of the province on Lord Bellamont, who, it was hoped, would be easily able, by the influence of his elevated rank, added to the resolution and integrity of his character,

[9] See Note VI. at the end of the volume.

[1] Smith, 114—125. Colden, i. 159—210. The fulfilment of the promise of sending protestant pastors to the Five Nations seems to have been deferred till the year 1712, when one Andrews was sent among them by the English Society for propagating the Gospel. The Indians at first received him with joy, but peremptorily refused to suffer him to teach the English language to their children. After preaching and teaching among them, in the Indian tongue, for several years, he was universally forsaken by his auditors and scholars, and closed a fruitless mission in 1718. Humphreys' Hist. Acc. of the Society for propagating the Gospel, 295—310.

BOOK VI

1698.

to redress the one and compose the other. Fletcher, his predecessor, had proved a very unfaithful steward of the public revenue, and had gratified his avarice and his partialities by unjust and exorbitant appropriations and grants of land. Lord Bellamont, on investigating the particulars of Fletcher's administration, openly denounced him as a corrupt and profligate magistrate; and not only caused judicial proceedings to be instituted against him and the favourites whom he had enriched with a share of the public spoil, but at one time proposed to send him as a criminal, to undergo a public trial in England. The expense and difficulty of procuring what the law would deem requisite evidence, together with other obstructions which always oppose themselves to every scheme for effecting the exposure, or compelling the restitution, of official plunder, prevented any of these proceedings from attaining a satisfactory issue.

Piracy at New York.

An attempt that was made to correct another abuse proved at first eminently unfortunate, and was attended with very singular circumstances in its progress, and very remarkable consequences in England. The late war had given rise to a great deal of privateering, which in many instances had degenerated into piracy; and the evil was greatly increased by the readiness with which James the Second, in his exile, granted commissions for privateering to adventurers adhering, or professing adherence, to his cause, and who expected that these commissions would entitle their robberies to be regarded as acts of legitimate warfare[2]. From New York, in par-

[2] Unreasonable as we may think the expectation of these pirates, that the English, who denied James' regal right to govern them, should recognise the same right to the more formidable extent of making war on them, this plea was actually maintained by certain of King William's crown lawyers. Some pirates commissioned by James having been apprehended in 1693, Dr. Oldish, the king's advocate, refused to prosecute them, and along with Sir Thomas Pinfold, Tindall, and other lawyers, supported this refusal by a learned argument before the

ticular, many English piratical cruisers were known to have sailed: and, indeed, there was strong reason to suspect that Fletcher's hunger for gold had been too voracious to scruple the receiving of it from the hands of these robbers as the price of his connivance at their depredations. The suppression of this nuisance had been strongly recommended by the king to Lord Bellamont, who, casting about in his mind, and consulting his friends in what manner this design would be most efficaciously conducted, was advised to take the assistance of one Kidd, who was represented to him as a man of honour and intrepidity, and well acquainted with the persons and the haunts of the pirates. Kidd, who was in England at the time, was introduced to Lord Bellamont by the person who had so characterised him, and readily offered to undertake the suppression and apprehension of the pirates, if the king would grant him a commission for the purpose, and place at his disposal a good sailing frigate of thirty guns. The earl laid the proposal before the king, who was strongly disposed to embrace any feasible plan for extirpating piracy: but some difficulties having been started by the admiralty, the scheme was dropped, and, unfortunately for the character of all parties, a private adventure, to be conducted by Kidd against the pirates, was suggested in its stead, and finally embraced. The king himself was concerned in the enterprise, and had a tenth share reserved to him: and the Lord Chancellor (Somers), the Duke of Shrewsbury, the Earls of Romney and Oxford, Sir Edmund Harrison, and various other persons of distinction, were associated in the adventure as partners with their sovereign. Kidd received an ordinary commission from the crown as a

CHAP. II. 1698. Capt. Kidd.

privy council. Tindall's Essay on the Law of Nations, p. 25—30. But other lawyers were found willing to prosecute the prisoners, who were convicted and executed. Howell, xii. No. 378.

BOOK V. privateer, with special directions from the royal and noble owners of his vessel, to proceed against the
1698. pirates, and to hold himself particularly responsible to Lord Bellamont. Embarking on this important enterprise, with so much illustrious character intrusted to his keeping, Kidd arrived at New York long before Lord Bellamont, whose assumption of his government did not take place till more than two years after his appointment. When his lordship subsequently reached New York, he learned, to his no small confusion and resentment, that by his patronage of Kidd he had been accessary to an enormous aggravation of the evil he had hoped to extirpate, and to the dishonour of his king and of all the distinguished persons who had been associated in the privateering adventure; and that Kidd had already rendered himself more infamous and formidable than any other pirate that infested the seas, by the extent of his naval robberies and his numberless murders. Lord Bellamont vigorously exerted himself to repair, by better agency, the consequences of this unhappy error; and having
1699. fortunately succeeded in apprehending Kidd, who had repaired on a trafficking speculation to Boston, where he hoped not to be recognised, he wrote to the secretary of state, desiring that a warrant might be sent for transmitting this daring offender to England, where already considerable interest had been excited in the public mind by the tidings of the freebooter's desperate enterprises, and vague rumours of the share which the first personages in the state had taken in supplying him with the means of performing them. A ship of war was sent out to bring home the prisoner, and repel any attempt that might be made for his rescue; but, unfortunately, the vessel was disabled on her passage, and obliged to return to port. A strong suspicion now arose of collusion between Kidd and the ministry, who it was thought were determined

not to have him brought home at all, lest in his own defence he should discover their infamous confederacy. This suspicion was inflamed by the artifices of the tory party, who were opposed to King William's government, and who vehemently pressed a motion in the House of Commons, that all persons who had been concerned in Kidd's adventure might be dismissed from their employments. Though this motion was rejected, they prevailed with the house to have Kidd examined at the bar, when the exertions of the ministers and Lord Bellamont to vindicate their characters had at length succeeded in bringing him to England; and though disappointed at first in their hope of obtaining any valuable disclosures from him, yet either honestly suspecting what they professed to believe, or trusting that he would be induced to become a useful instrument of their purposes (which he discovered more inclination than ability to do), they endeavoured to have his trial deferred, and prevailed with the house to call him again to the bar, even after an address had been voted to the crown recommending that he should be speedily remitted to an English jury. Kidd was brought to trial at the Old Bailey in the year 1701, and being totally unable either to criminate the ministers or to defend himself, was convicted, with several of his accomplices, of piracy and murder, and soon after underwent the just punishment of his crimes. The violence of the Tory faction in England prevented this matter from proving as injurious as, more moderately handled, it would, and perhaps ought to have been to Lord Bellamont and the Whig ministers of the king. Kidd's conduct previous to his employment as a privateer had in reality been such that a proper investigation of it would have subjected him to punishment, instead of recommending him to an important trust. A charge derived from this

CHAP. II. 1699.

BOOK IV. 1699.

gross and culpable neglect, and directed against all who had been concerned in procuring Kidd's commission, was introduced into the articles of impeachment preferred soon after by the commons against Lord Somers. The name and character of the Earl of Bellamont, in particular, were expressly involved in this charge, though his recent death at New York prevented him from being included in the impeachment. But the managers of the impeachment associating this charge with other weightier imputations which they were unable to prove, and involving themselves (purposely, perhaps) in a dispute with the House of Lords, the impeachment ended in an acquittal, without producing a trial[3].

Factions occasioned by the fate of Leisler.

But the most afflicting disorders that threatened to assail the government and community of New York, were portended by the increasing animosity of two numerous factions, consisting of the friends and the enemies of the unfortunate Leisler. The son of this man, incapable of forgetting or forgiving the tragical fate of his father, had laboured incessantly for the re-establishment of his character and the retribution of his wrongs; and having obtained, by the assistance of the province of Massachusetts[4], an act of parliament to reverse his father's attainder, and now proceeding, with every likelihood of success, to urge a claim for indemnification on account of his family's sufferings and losses, the spirits of his partizans in New York were powerfully excited by the hope of a triumph so humiliating to their adversaries. The mutual animosity of the two factions was roused and whetted to such a degree by the occurrence and the prospect of fresh opportunities to indulge it,

3 Smith, p. 125—8. Smollet's History of England, B. I. cap. vi. § 23. and 50. Howell's State Trials, vol. xiv. Nos. 416, 417.

4 A curious account of the motives which induced the agents for this colony, at the court of England, to assist young Leisler's designs, is given in Hutchinson's Hist. of Massachusetts, vol. ii. p. 86.

that the public business of the province was seriously impeded; and in the very first assembly that Lord Bellamont convoked at New York, except an unanimous address of thanks to himself for his speech on the state of the province, there was scarcely a single measure proposed, about which the members of assembly found it possible to agree. The character and manners of Lord Bellamont were happily adapted to compose these dissensions; a task which perhaps, if he had longer enjoyed the government, he would have wisely attempted and successfully effected; but unfortunately the circumstances in which he found himself placed on his first arrival at New York, and the sentiments which he was thence led to entertain, tended rather to inflame than to mitigate the evil. His just displeasure against Fletcher, animated by the discovery of that profligate governor's encouragement of the pirates, at first extended itself to every person who had held office along with him, or been distinguished by any appearance of his regard; and as in this class were comprehended the principal adversaries of Leisler, the spirits of this party were additionally revived, and their numbers augmented by the near prospect of supremacy and triumph. Young Leisler's solicitations in England at length so far prevailed, that a letter was addressed by the Secretary of State to Lord Bellamont, declaring that his majesty, from "a gracious sense of the father's services and sufferings," desired that the son's claims of indemnification might be entertained by the general assembly of New York. No sooner was the royal letter laid before the assembly, of which a great majority now consisted of the friends of young Leisler, than a vote was passed, appointing the sum of £1000 to be levied immediately on the province for his advantage.

CHAP. II.

1699.

Feb. 1700.

Lord Bellamont had now succeeded in acquainting

BOOK VII

1700.

himself with the state of the province; and the resentment and disturbance he had suffered from the piratical transactions in which his own and his sovereign's honour had been so deeply involved, seemed to have had time to subside. But the influence which his good sense and moderation were confidently expected to produce in tranquillizing the angry factions over which he presided, was intercepted by his unexpected death in the beginning of the year 1701. This event was attended with the most unfortunate consequences. The faction that had appeared likely to be totally defeated, received intelligence that Lord Cornbury, who was expected soon to arrive as the successor of Bellamont, was prepossessed in their favour, because they were accounted the partizans of the church of England, and began already to anticipate a favourable change in their relations with the adverse party; while this party, at the head of which was Nanfan, the lieutenant-governor, made haste to use their power with an energy enforced by the probable shortness of its duration. The most strenuous exertions were made by both, to increase their strength in the assembly; and the most furious animosities were created by the theoretical respect which both professed for the same fundamental principles; by the practical respect which each, accordingly, required for these principles from their adversaries; and by the practical disregard of them into which both were hurried by the violence of their passions. The faction opposed to Leisler's friends, being generally defeated in these contests, vented their indignation, and exercised the only policy that seemed to remain to them, in vehement complaints of their adversaries to the king, the parliament, and, above all, to Lord Cornbury, on whose favour their hopes of victory and vengeance now exclusively depended. Colonel Bayard, in par-

March, 1701.

ticular, having promoted some of these addresses, in which the most scandalous charges of bribery, public plunder, and oppression, were preferred against the lieutenant-governor, the chief-justice, and the assembly, was committed to prison as a traitor, by Nanfan, under a law which Bayard and his friends had caused to be enacted in 1691, to curb their own adversaries, and which subjected to the pains of treason every person endeavouring, *by force of arms, or otherwise*, to disturb the peace, good, and quiet of the king's government. Though the attorney-general of New York gave a written opinion, that the addresses contained nothing criminal or illegal, Nanfan, finding the solicitor-general differently minded, urged on the charge; and, after a trial more fair, perhaps, than in such a state of public feeling could have been reasonably expected, Bayard was dragged to the brink of the pit which he himself had dug, by a verdict of guilty, and sentence of death [5]. Alderman Hutchins was immediately after tried, and convicted on a similar charge. But here the adversaries of the prisoners thought proper to pause. Though the law on which the convictions had been founded was an arbitrary one, it had been enacted by the prisoners themselves and their party, and never yet repealed; and though the convictions proceeded on a somewhat strained construction of it,

CHAP. II. 1702.

Trial of Bayard.

March.

[5] The proceedings on this trial, which are reported at some length in Howell's Collection, are creditable to the legal knowledge, ability, and spirit of the lawyers employed to conduct them, and especially of the counsel for the prisoner. Emot, one of the latter, maintained a plea, which was not heard of till a much later period in England; but illustrated it by an observation which we should not expect to hear in the courts of justice of a state where slavery was admitted. "The jury," he said, "are judges both of law and fact, as the case is now circumstanced; and if they will enslave themselves and their posterity, and debar themselves of all access to their prince, they will be *worse than negroes*." Even under the liberal jurisprudence of Oliver Cromwell, it was declared from the bench (on the first trial of Lilburne), that it was "a damnable doctrine" to hold that the jury were judges of law as well as fact. Howell, vol. iv. p. 1284, note.

BOOK IV.

1702.

there had been no signal of undoubted departure from the ordinary principles of criminal justice. The prosecutors, therefore, had not incurred such guilt as to confound altogether their sense and humanity, or imperiously to urge them to complete what they had begun, and destroy their victims while they were yet in their power. Happily for themselves, and for the province, they consented to reprieve the prisoners till the king's pleasure should be known. But long before the application on which the fatal issue was thus suspended could be made, Lord Cornbury arrived at New York; and not only caused the attainders of Bayard and Hutchins to be reversed, but placing himself at the head of their party, conducted his administration with such violence and partiality, that the late chief justice, and several other considerable persons of the opposite faction, thought it prudent to depart from the province[6].

May 3.

Corrupt and oppressive administration of Lord Cornbury.

Lord Cornbury, the grandson of Lord Chancellor Clarendon, possessed not one of the qualities for which his distinguished ancestor had been celebrated, except an exaggeration of his bigotry to the church of England, and his intolerance of all other religious communions. The rest of his character would have disgraced more estimable qualities; and seems to have formed a composition no less odious than despicable, of rapacity and prodigality, voluptuousness and cruelty, the loftiest arrogance, and the meanest chicane. Whether from real difference in sentiment, or from a policy which in these days was not uncommon, while his father had adhered to the cause of James the Second, the son declared himself, at a very early period, for King William, and was one of

[6] Oldmixon, vol. i. p. 129. Smith, p. 129—144, 145. Howell's State Trials, vol. xiv. No. 421.

the first officers who deserted with his troop to him: and having now dissipated his substance in riot and debauchery, and being obliged to fly from his creditors in England, it had been one of the last acts of his royal patron's administration, to reward his services with the government of New York. This appointment was confirmed by his kinswoman Queen Anne, who added to it the government of New Jersey, which had been recently surrendered by the proprietaries to the crown. The public events that belong to the period of Lord Cornbury's administration do not fall within the compass of the present work; and I allude to its general complexion, for the purpose of explaining how the factions which we have seen carried to such a height in New York came to be, if not entirely suppressed, yet greatly mitigated and reduced. This desirable end, which was more obstructed than advanced by the only respectable governor that had been sent to New York since the revolution, was now signally promoted by the administration of a successor, who robbed even Andros of his evil eminence, and rendered himself more universally detested than any officer to whom the government of this province was ever intrusted. For a while the majority of the assembly, composed by his influence of the faction which had but recently smarted under the power of a triumphant rival, adhered with unscrupulous loyalty to him as its leader and protector; and even after the intolerance he began to exert against the presbyterians, and every other religious sect, except the protestant episcopalians, had alienated many of his first political adherents, he found their loss nearly compensated by

CHAP. II. 1702.

[1] One of the first and the most respectable act of his administration was a renewal of the league with the Indian allies of New York, in a numerous convention of the tribes, which was held at Albany in 1702. Oldmixon, vol. i. p. 130.

BOOK V. 1702. the increased regards of those who now boasted him their ecclesiastical ally. Though the great body of the inhabitants, including the most ancient families in the province, were presbyterians, he refused to permit the ministers of this persuasion to preach without a license from himself, which implied that they officiated, not of right, but by indulgence. On one occasion, finding that in a township in Long Island there were a few episcopalians intermixed with the presbyterians who formed the great majority of the inhabitants and had built a parsonage for their minister, he fraudulently contrived to get possession of the house, and then delivered it up to the episcopal party. Hearing some time after, that two presbyterian ministers from Virginia had preached to a congregation in New York without his license, he threw them both into prison; and afterwards brought them to trial for a misdemeanour: but although the judge advised the jury to return a special verdict, that the law on this subject might be finally ascertained, the jury were too prudent to put the liberties of their country so far out of their own keeping, and without hesitation acquitted the prisoners. In every quarter of the province his lordship offered his assistance to the episcopalians, to put them in possession of the churches that other sects had built; and to the disgrace of some of the zealots for episcopacy, this offer was in several instances accepted, and produced a wide scene of riot, injustice, and confusion. But happily for the unfortunate people who were exposed to the mischief of his administration, his conduct in other departments of government soon weakened his influence with all parties, and gradually deprived him of the power of instigating any portion of the society to harass or oppress the rest. It was discovered, that not content with the liberal grants of money which the assembly had made to him for

his private use; he had embezzled large sums appropriated to the erection of public works, and the defence of the province; and that, unable to subsist on his lawful emoluments, even with the addition of enormous pillage, he had contracted debts to every tradesman who would trust him, and employed the powers of his office to set his creditors at defiance. Even after this discovery was made, he contrived to have some of the public money intrusted to his hands, by alarming the assembly with pretended intelligence of an approaching invasion: and this farther trust was executed with as little fidelity as the preceding ones. In vain the assembly proposed to establish a body of functionaries to control the public expenditure, and account for it to themselves; and with as little success did they transmit a remonstrance to the queen. Their application to her majesty met with no other attention than some private instructions, which were said to have been sent to the governor; their proposition to control the public disbursements was disallowed; and when they insisted on a scrutiny of his accounts, he warned them in an angry speech, not to provoke him to exert "certain powers" which the queen had committed to him, and advised them to let him hear less about the rights of the house, as the house had no rights but what the grace and good pleasure of her majesty permitted it to enjoy. By such declarations, and a line of policy pursued in strict conformity with them, he succeeded in alienating all his adherents, and finally in uniting all classes of the people in one common interest of opposition to himself. When he dissolved an assembly for its attention to the public interests, he found his influence no longer able to affect the composition of the assembly which he called to succeed it. It was fortunate for the people that they were compelled to endure this state of things for several years, and till

1702—1709.

BOOK VII

the lessons which it was well calculated to teach them were deeply impressed on their minds. The governor had leisure to repeat the expedient of dissolving intractable assemblies, and the mortification of finding every succeeding one more stubborn than its predecessor; till he at length convoked assemblies which absolutely refused to vote the smallest supply for the public service, till he should account for all his past receipts and applications of money, and perform the impossible condition of refunding all the sums he had embezzled—preferring even an extremity so inconvenient to themselves, to the continuance of so corrupt and profligate an administration. The dissolute habits, and ignoble tastes and manners of the man, completed and embittered the disgust with which he was now universally regarded; and when he was seen rambling abroad in the dress of a woman, the people beheld with indignation and shame the representative of their sovereign, and the ruler of their country.

1702-1709

The inhabitants of New York had now ample leisure, and strong inducements to reflect, with little satisfaction, on the folly and mischief of those divisions that had once enabled such a man to enjoy influence among them, and successfully to incite them to harass and maltreat each other, that he might the more securely pillage and insult them all. His administration forcibly taught them the important lesson that divisions among themselves were profitable only to the party who ought to be the object of their constitutional jealousy, the royal governor; and that union among themselves, founded on a sense of common interest, and maintained by the exercise of mutual forbearance and charity, was essential alike to their tranquillity and independence. The lesson was not lost upon them; and though former animosities were not entirely extinguished for many years, they never

again reached the height which they had attained at the commencement of Lord Cornbury's administration. This worthless personage continued for a considerable period to remind the people by his presence of the salutary lessons they had derived from his administration, even after they had obtained a deliverance from its burden. In the year 1709, Queen Anne was at length compelled by the reiterated and unanimous complaints of New York and New Jersey (where he was equally odious), to supersede his commission, and appoint Lord Lovelace to succeed him; and no sooner was he deprived of his office, than his creditors threw him into the same prison, where he had unjustly confined many worthier men. Thus degraded from office by his public crimes, and deprived of liberty by his private vice and dishonesty, this kinsman of his queen remained a prisoner for debt in the province he had governed, till the death of his father, by elevating him to the peerage, entitled him to his liberation [8]. He then returned to Europe, and died in the year 1723 [9].

CHAP. III.

1702-1709.

Both before and after the British Revolution, the province of New York had received large additions to the number of its inhabitants from all the various sources of emigration which European hardships and regal misgovernment contributed so copiously to supply. The poor found here a country where their services were highly valued, and their rights enjoyed peculiar consideration; where, instead of being compelled to vie with each other for the boon of ill-rewarded labour [1], their industry was eagerly courted

State of the colony at the close of the seventeenth century.

[8] Smith, 144, 145, 146—164. History of the British Dominions in America, B. III. cap. 1. This work, which I have frequently referred to, is an anonymous publication in quarto. It contains more ample and precise information than the composition of Wynne, and, like it, brings down the history and state of the colonies to the middle of the eighteenth century. It is more of a statistical than a historical work.

[9] Biograph. Britan.

[1] See Note VII. at the end of the volume.

BOOK V.

by the rich, and conducted them with certainty to ease and independence. Among the later accessions of people, were a number of protestant refugees from France, and of presbyterians from Ireland[2]. The metropolis of the province, which, in the year 1678, contained about three thousand four hundred inhabitants, was found to contain nearly double that number in 1696; and the port which, at the former period, owned no more than three ships and eight sloops, possessed, in the last mentioned year, forty ships, sixty-two sloops, and the same number of boats[3]. The shipping of New York was promoted, not merely by the growth of its proper population, but by the advantages of its situation, which enabled it to command nearly the whole trade of Connecticut and New Jersey[4]. The total population of the province amounted, in 1701, to about thirty thousand persons[5]. Many of the first English colonists who repaired to this province, after the conquest of it from the Dutch, are said to have remained but a short time in it, and to have sought a refuge in New Jersey from the hostilities of the French and their Indian allies. At the end of the seventeenth century the people consisted of various races, English, Scotch, Irish, French, and chiefly Dutch; the great majority being presbyterians and independents. The Dutch congregations continued at this time, and for long after, to acknowledge subjection to the ecclesiastical authorities of Holland; and from them, their ministers, in general, derived their ordination to sacred functions. The Scotch presbyterians, after repeatedly soliciting a charter incorporating their congregation, and being continually disappointed by the interest and opposi-

[2] Smith, 156. In 1710, three thousand palatines, flying from persecution in Germany, settled in New York. Ib. 174.

[3] Chalmers, 598. [4] Smith, 297.

[5] Holmes, ii. 246. In 1731 it amounted to more than sixty thousand persons, of whom seven thousand were slaves. Ibid. ii. 114. Warden, i. 499.

tion of the episcopal party, in the beginning of the eighteenth century, made a grant of their church, and the ground attached to it, to the general assembly of the church of Scotland. The episcopalians, though the least numerous class, enjoyed a charter of incorporation from the assembly; and the minister of their church in New York had a salary of £100 a year levied by a tax on all the inhabitants of the city. For this privilege they were indebted to the exertions of Governor Fletcher; and they were elated by it to such a degree of presumption, as to maintain that the ecclesiastical establishment of the church of England extended to this province, and that theirs was *the religion of the state;* a pretension that excited much jealousy among all the dissenters, and was peremptorily disputed by them. When the episcopal clergy became more numerous, they accounted themselves subject immediately to the bishop of London, who maintained a commissary at New York. They made an attempt at an after period to engross the privilege of solemnizing all marriages in the province, but found themselves unable to carry this pretension into effect. Though all law proceedings were conducted in English, and an English free school was established in 1702, the Dutch language continued long to prevail among a considerable portion of the people. For many years public worship was celebrated in Dutch in some of the churches; and in several counties the sheriffs often found it difficult to collect as many persons acquainted with English as were necessary to compose the juries in the courts of law. The English that was generally spoken was much corrupted by intermixture of the two languages[6].

[6] Smith, 150. 156. 263, 264, 265. 267. 294. 296. 305, 306, 307. 319. The English, French, and Irish colonists seem to have acquired pretty early an uni-

BOOK VI

The subsistence of the Dutch language was less advantageous to the province than the permanence of Dutch manners, which continued long to be visible in the sobriety of deportment, and the peculiar attention to domestic cleanliness, order, and economy, by which the descendants of the original colonists of New York were eminently distinguished, and which their example succeeded in communicating, in no small degree, to the other races of European settlers with whom they were latterly associated. It was remarked, several years after this period, that the style of living was less gay and expensive, and that there was less inequality of fortune at New York than at Boston. A printing press was established at New York in the year 1693, by a printer flying from the very unwonted occurrence of quaker persecution in Pennsylvania; and a library was founded under the government of Lord Bellamont in the year 1700. But the schools in this province were inconsiderable; and although the wealthier families obtained valuable instructors for their children among the numerous protestant refugees from France, even the first elements of knowledge were very generally neglected by

form character. The stronger nationality and more rigid manners of the Scotch, aided by frequent accessions from Scotland, preserved their national peculiarities longer unimpaired. "They preserve unaltered," says Dwight, "the character which they brought with them. They are industrious, frugal, orderly, patient of hardship, persevering, attached to government, reverential to religion, generally moral, and often pious. At the same time they are frequently unwarrantably self-complacent, rigid in their dispositions, unbending in their opinions, sequestered, avaricious, ready to unchurch those who differ from them, and to say, *doubtless, we are the people.*" President Dwight's Travels, iii. 513.

Even when intermarriages and the common influence of free institutions and national association shall have produced uniformity of character among all the races of American colonists, the national pedigrees of many particular districts will be preserved by their names. In one county of New York, almost every place bears the name of an Irish saint, city, county, or mountain. A neighbouring district, originally planted by New Englanders, is all mapped out under the names of Unanimity, Frugality, Sobriety, Enterprise, and the like. (Dwight, iv. 27.) It may be hoped that the recollection of such names as these last will impress a corresponding bias on the sentiments and character of the inhabitants of the region.

the bulk of the people till the era of the American Revolution [7].

If Britain had pursued a wiser policy towards this and her other American provinces, she might have obtained from their resources a very great, if not a total, deliverance from the burden of her poor laws. But various circumstances contributed to screen or diminish the attractions which the colonial territories were calculated to present to the resort of the industrious poor. The practice of transporting felons to America brought this country into disrepute with many whose information was not sufficiently extensive to acquaint them with the real amount of the evil, and the great preponderance of the advantages by which it was counterbalanced. The historian of New York has ascribed to this cause the dearness of labour, and the increased importation of slaves which began to take place about this period. Another obstruction to the colonization of this province by the free poor arose from the practices of many of the governors, who, to promote the royal interest in the assembly, were permitted to make large grants of land to their partisans and dependants, by whom it was again farmed out at exorbitant rates to the cultivators, or retained in a vacant and unproductive state in the hope of a future rise in its value from the general progress of population [8].

The local government of the province was vested in the governor, the council, and the assembly. The governor, appointed by the king, was commander-in-chief by sea and land, and received from the pro-

[7] Oldmixon, i. 128. Smith, 295, 296. Thomas's History of Printing, ii. 10. Winterbotham, ii. 336. Warden, i. 500. 525. Grant's Memoirs of an American Lady, &c. vol. i.

[8] Smith, 290. 294. "The governors were, many of them, land jobbers, bent on making their fortunes; and being invested with power to do this, they either engrossed for themselves, or patented away to their particular favourites, a very great proportion of the whole province." Winterbotham, i. 337.

BOOK VII

vincial revenue a salary of about £1,500, together with perquisites amounting to as much more. The councillors were appointed by the crown, but might be suspended by the governor. They enjoyed no salaries, and acted as a privy council to the governor, besides performing the legislative and judicial functions belonging to the English House of Lords. The members of assembly (elected by freeholders possessing lands or tenements improved to the value of forty pounds[9]) had a daily allowance for their attendance; and to them, in concurrence with the council and the governor, was committed the privilege of enacting the provincial laws, which were required to be analogous to the jurisprudence of England. The laws were transmitted to England within three months after their enactment, and might, *at any time after*, be annulled by the king. The governor was empowered to prorogue or dissolve assemblies at his pleasure; to appoint the judges; to collate to all vacant benefices; and, with the advice of the council, to make grants of land, to be held of the crown by soccage tenure. Besides subordinate courts of law, there was a supreme court at New York, of which the chief-justice had a salary of £300 a year. From its judgments an appeal might be made, in causes involving more than £100, to the governor and council, and in causes above £300, to the king and the privy council of England. Much uncertainty prevailed in the administration of civil justice from ignorance and difference of opinion as to the extent in which English statutes and decisions were to be admitted to operate as rules or precedents[1].

By a law passed in 1700 for the purpose of checking the missions of the Jesuits among the Indians, it

[9] Laws of New York from 1691 to 1718, p. 29.

[1] Smith, cap. 5 and 6.

was enacted, that every Jesuit or other popish priest, coming voluntarily into the province, should be subjected to perpetual imprisonment, and in case of escape and recapture, to the punishment of death. Slaves (by a law passed in 1702), except when assembled for labour, were forbidden to meet together in greater number than three; a regulation which proved insufficient to prevent a formidable insurrection of these unfortunate beings in the year 1712. Masters were enjoined by law to baptize their slaves, and encouraged to do so by a provision that their baptism should not entitle them to freedom. Indeed, manumission of slaves was discouraged by a heavy fine. Slaves were disqualified from bearing evidence against any body but slaves; and no negro, Indian, or mulatto, even though free, could hold or possess lands, tenements, or hereditaments. Any negro or Indian conspiring the death of a white man was capitally punished. Even though baptized, slaves were not considered to be properly comprehended in the denomination of Christians; for by an act passed in 1702, and confirmed in 1708, there was offered a reward of twenty shillings to every *Christian*, and half that sum to every Indian or *slave*, killing a wolf in the provincial territory [2]. Various laws were passed from time to time against selling ardent spirits to the Indians. The extortions of usurers were repressed by an act passed in 1717, restricting lawful

CHAP. II.

[2] In some of the colonial settlements of the Dutch (particularly at the Cape of Good Hope), the treatment of their slaves is said to have been distinguished by the most barbarous cruelty. It seems to have been very far otherwise in the province of New York. A pleasing picture of the mild patriarchal manners by which the harsh features of this institution were softened among the Dutch settlers at Albany, is delineated by Mrs. Grant in her "Memoirs of an American Lady," &c. vol. i. Letter VII. Extreme severity was inflicted only at second hand, by selling unruly and troublesome negroes to the planters of Jamaica.

From the Travels of that accurate observer and inquirer, Professor Kalm, it appears that Mrs. Grant has given a just picture of the treatment of the slaves; but that her description of the manners of the people of Albany in other respects is entirely fanciful and erroneous. Vol. ii. p. 260—266.

BOOK V.

interest to six per cent. This was repealed in the following year, when eight per cent. was allowed to be taken [3].

[3] Laws of New York from 1691 to 1718, p. 41. 58, 59, 60. 81. 90. 141. 233. 288, &c. Smith, 188.

BOOK VI.

NEW JERSEY.

BOOK VI.

NEW JERSEY.

Sale of the Territory by the Duke of York to Berkeley and Carteret.—Liberal Frame of Government enacted by the Proprietaries.—Emigration from Long Island to New Jersey.—Arrival of the first Governor and Settlers from England.—Discontent and Disturbance in the Colony.—Renovation of the Titles to New Jersey.—Equivocal Conduct of the Duke of York.—Situation of the Quakers in England.—Sale of Berkeley's Share of the Province to Quakers.—Partition of the Province between them and Carteret.—Emigration of Quakers from England to West Jersey.—Encroachments of the Duke of York.—Memorable Remonstrance of the Quakers—causes the Independence of New Jersey to be recognised.—First Assembly of West Jersey.—The Quakers purchase East Jersey.—Robert Barclay—appointed Governor.—Emigration from Scotland to East Jersey.—Designs of James the Second against the Proprietary Governments—defeated by the Revolution.—Inefficient State of the Proprietary Government.—Surrender of the Colonial Patent to the Crown, and Re-union of East and West Jersey.—Constitution of the Provincial Government.—Administration of Lord Cornbury.—State of the Colony.

B. Of all the national communities in which mankind have ever been united, there is none (except the fallen commonwealth of Israel[1]), which can boast of an

[1] It is remarkable that, among those of the colonists of North America who were most eager to trace a resemblance between their own situation and that of the Jewish emigrants from Egypt, the opinion should have first sprung up that the savage Indians were the offspring of one of the tribes of Israel. This opinion (which is supported by very strong probabilities) was not without its use, if it

BOOK VI.

origin as illustrious as that which belongs to the provinces of North America. Almost all these provincial settlements have been founded by men whose prevailing motives were, zeal for the advancement of religious truth, for the security of political freedom, or for the enlargement of the resources and renown of their country; and all have been indebted for a very considerable share of their early population to the shelter which they afforded from civil or ecclesiastical tyranny. The successful establishment of every one of them is a noble monument of human energy and fortitude: for it was not accomplished without an arduous conflict with the most powerful habits of human nature, and the most formidable obstructions of difficulty, danger, and distress. The colonists of New Jersey, indeed, from their proximity and friendly relation to older colonial settlements, and from other advantageous peculiarities in their situation, were exempted from many of the hardships which elsewhere attended, in so many instances, the foundation of society in North America. But the motives which conducted a great proportion of them to this territory were such as must be held to reflect the highest honour on their enterprise, and to ennoble the origin of New Jersey.

The territory to which this appellation belongs was first appropriated by the Dutch, of whose settlements I have given an account in the history of New York. It was included in the province to which this people gave the name of New Netherlands, and had received a few Dutch and Swedish settlers at the period of the conquest of the Dutch colony by the English. Preparatory to this enterprise, as we have

tended to abate that spiritual pride sometimes unhappily engendered by a belief of the possession of an especial degree of divine favour. It was early adopted by the New England divines, and was maintained, with much learning and ability, in a treatise by one Thorowgood, published at London in 1650, and entitled "Jewes in America." It was afterwards embraced by William Penn the quaker, and supported by him, and by many other distinguished writers,

already seen, Charles the Second granted a charter of American territory, including the whole of the Dutch occupation, to his brother James, Duke of York: and, as the king, in conformity with his pretension to an antecedent right, which the intrusion of the Dutch could neither extinguish nor suspend, before the territory was actually reduced to his dominion, the duke, in like manner, seems to have regarded his investiture as completed by the charter, and proceeded to exercise the powers it conferred on him, without waiting till he had attained actual possession of the province. His charter, though much less ample in its endowments than the charters which had been previously granted to the proprietaries of Maryland and Carolina, resembled these others in conferring the province, and the powers of government, on the proprietary and "*his assigns.*" Various instances, both in the history of the Carolinas and of New Jersey, sufficiently demonstrate that, in conformity with this expression, the proprietaries regarded their functions less as a trust than as an absolute property, subject to every act of ownership, and in particular to mortgage and alienation: and, accordingly, the government of large provinces of the British empire was repeatedly assigned by proprietaries to their creditors, or sold to the highest bidder. It was not till after the British revolution, that the legality of these transactions was disputed: but although the ministers of William the Third maintained that they were totally repugnant to the law of England, which recognised a hereditary but not a commercial transmission of office and power, the point was never determined by any formal adjudication. The evil, in process of time, produced its own remedy. The succession and multiplication of proprietaries

20th March, 1664.

BOOK VI. occasioned so much inconvenience to themselves, that sooner or later they were glad to bargain with the crown for a surrender of their functions; and both in Carolina and in New Jersey, the exercise of the right of assignation materially contributed to abridge the duration of the proprietary government.

1664.

Sale of the territory by the Duke of York to Berkeley and Carteret.

The first example of a sale of proprietary rights and functions was afforded by the Duke of York in his conveyance to Lord Berkeley and Sir George Carteret, of a portion of the territory comprehended in the royal charter which he had recently procured for himself. If he had deferred the exercise of his ownership till he had attained possession of the country, and procured a report of its condition from Colonel Nichols, whom he had nominated the governor of it, this partition would probably not have taken place. But, before he was yet in possession of any part of it, or had obtained the information requisite to enable him to conclude such a transaction with advantage either to himself or the country, he consented to sell one of the finest districts which it embraced, to two persons who appear to have been much better acquainted with it. Berkeley and Carteret were already proprietaries of Carolina; and not contented with this ample investiture, nor yet certified by experience of the tardy returns from colonial possessions, they had been induced, by the representations of a projector acquainted with the domain assigned to the Duke of York, to believe that a particular portion of this domain would form a valuable acquisition to themselves. How far the disjunction of this portion was likely to affect the interest and value of the remainder, was a point, which, for the honour of the purchasers, we must suppose them to have overlooked as completely as it was misunderstood by the seller. But, at a subsequent period, Colonel Nichols did

not scruple to assert that the person [2] by whose advice Berkeley and Carteret were induced to make the purchase had himself been an unsuccessful candidate for the patent which the Duke of York had obtained, and that he had revenged his disappointment by instigating these courtiers to an acquisition which he was aware would greatly depreciate the remainder of the duke's investiture. Be this as it may, the transaction that ensued, as it was very little creditable to either of the parties who engaged in it, proved in the sequel disadvantageous to them both.

BOOK VI. 1664.

It was only three months after the date of his own charter, that the Duke of York, by deeds of lease and release, in consideration of "a competent sum of money," conveyed to Lord Berkeley and Sir George Carteret, and their heirs and assigns, that tract of land adjacent to New England, lying westward of Long Island, and bounded on the east, south, and west, by the river Hudson, the sea, and the Delaware; on the north by the forty-first degree and fortieth minute of latitude. In compliment to Carteret, who had defended the island of Jersey against the Long Parliament in the civil war, he bestowed on this region the name of Nova-Cesaria, or New Jersey; and he transferred to the grantees every right and royalty, and all the powers of government, which he himself possessed in virtue of his charter from the crown [3]. 23d and 24th June.

Having obtained, in this manner, the sovereignty of New Jersey, the first care of the proprietaries was to invite the resort of inhabitants to the province, and

[2] The name of this individual was Scot. Whether it was the same person, or another with the same name, who afterwards published an account of East New Jersey, I am unable to ascertain. Colonel Nichols gratuitously acquits Berkeley and Carteret of any accession to the design of defrauding the duke. But Carteret did not always enjoy an unspotted reputation. In 1669, he was expelled the House of Commons for *confused accounts* as chamberlain.

[3] Scot's Model of the Province of East New Jersey, p 53—65. Oldmixon, i. 134. Samuel Smith's Hist. of New Jersey, 60, 61. Chalmers, 614. 624, 625.

BOOK VI. 1664.

their exertions for this purpose, though pursued with more eagerness than perseverance, evinced no inconsiderable share of political sagacity. In those colonial territories which are destitute of the means of attracting adventurers by the prospect of speedy enrichment, and which must owe their cultivation to the steady enterprise and industry of permanent settlers, the most powerful attractions are supplied by liberal provisions for the security of the civil and religious rights of mankind. The recent history of New England had plainly demonstrated, that those attractions, of all others, address themselves most prevailingly to that description of human character which is best fitted to contend with the difficulties of colonization, and that their operation is so forcible as to overpower the temptations even of very superior climate and soil. That the useful lesson thus afforded to the founders of colonies was not disregarded by the courtiers of Charles the Second, has already appeared from some parts of the history of Carolina, and is still more strongly manifested by the first measures that were pursued by the proprietaries of New Jersey.

Liberal frame of government enacted by the proprietaries.

They hastened to concert and make public a body of institutions for the government of the province; and, as their object was to exhibit a political fabric that should appear desirable and advantageous to mankind, they succeeded in producing a project which obtained a very favourable reception, and would have better deserved it, if the proprietaries had been legislating for an existing population. It was indeed a singular competition which these proprietary governments produced, in which sovereigns and legislators found it their interest to vie with each other in the production of models of liberty, and in tendering to the acceptance of their subjects the most effectual securities against arbitrary government. Whatever doubts may be entertained of the dignity of their

motives, or the sincerity of their professions, the measures which the various proprietaries adopted in pursuance of this policy proved highly beneficial to the provinces of North America, and cherished in the minds of their inhabitants an attachment to liberty, and a conviction of their right to it.

The instrument[4] which was now published by Berkeley and Carteret gave assurance to all persons who should settle in New Jersey, that the province should be ruled only by laws enacted by an assembly in which the people were represented, and to which the power of making peace or war[5], and many other important privileges, were confided. In particular, it was stipulated by the proprietaries, "for the better security of the inhabitants in the said province, that they are not to impose, *nor suffer to be imposed*, any tax, custom, subsidy, tallage, assessment, or any other duty whatsoever, upon any colour or pretence, upon the said province, and inhabitants thereof, other than what shall be imposed by the authority and consent of the general assembly." By another clause, of no less importance, it was provided, that "no person, at any time, shall be anyways molested, punished, disquieted, or called into question, for any difference in opinion or practice in matters of religious concernment, who does not actually disturb the civil peace of the province; but all and every such person and per-

[4] Writers are not agreed upon the date of this instrument. The copies printed by Scot and Smith bear the date of February, 1664: which is manifestly erroneous, except on the very improbable supposition, that the document was framed by Berkeley and Carteret, not only before they had obtained their own grant from the Duke of York, but before the duke himself had obtained his charter from the king. Chalmers supposes the date to have been February, 1665: but this is inconsistent with the clause which tenders certain advantages to settlers "who shall transport themselves before the 1st of January, 1665." Chalmers was prevented from observing this inconsistency by mistaking this last-mentioned date for 1685.

[5] The assembly was empowered, not merely to levy forces and declare war as they should see cause, but "to pursue an enemy as well by sea as by land (if need be), out of the limits and jurisdictions of the said province, with the particular consent of the governor, and under his conduct, or of our commander-in-chief."

BOOK VI.

1664.

sons may, from time to time, and at all times, freely and fully, have and enjoy his and their judgments and consciences in matters of religion, they behaving themselves peaceably and quietly, and not using this liberty to liicentiousness, nor to the civil injury, or outward disturbance of others; any law, statute, or clause, contained, or to be contained, usage or custom, of the realm of England, to the contrary thereof in any wise notwithstanding." The import of these expressions could not be misunderstood; and as they were publicly promulgated, without censure or disallowance from any quarter, it must be admitted, that the colonization of this province was undertaken on an assurance, which the settlers were very well entitled to credit, of their being completely exempted from the jurisdiction of the English parliament, both in the imposition of taxes and the regulation of ecclesiastical affairs. The administration of the executive power, together with the right of a negative on the enactments of the provincial assembly, were reserved to the proprietaries. To all persons resorting to New Jersey with the intention of settling in it, there were offered allotments of land, proportioned to the earliness of their arrival in the province, and to the numbers of their indented servants and *slaves;* and for this they were required to pay a quit rent of an halfpenny per acre after the year 1670, and to maintain one able male servant for every hundred acres in their possession. As the quit rents were deemed the private estate of the proprietaries, it was declared that all public expenses should be defrayed by general contribution. Such was the first constitution of New Jersey. New provisions were added to it from time to time, by subsequent proclamations, and the whole code was denominated by the people *The Laws of the Concessions,* and regarded by them as their great charter, and as possessing a higher authority

than even the acts of assembly, from not being subject to alteration or repeal. An important addition was suggested by the prudence and equity of Philip Carteret, who was the first governor appointed by the proprietaries, and who, without any directions from his constituents to respect the rights of the aboriginal inhabitants of the province, judged it proper to obtain their consent to the settlement, by purchasing their titles to the several districts which were occupied. The proprietaries had the wisdom to approve this proceeding, and some years after established the rule, that all lands should be purchased from the Indians by the governor and council, who were to be reimbursed by the settlers, in proportion to their respective possessions[6].

The conquest of New Netherlands had now been achieved by Colonel Nichols, who assumed the administration of the whole territory as governor for the Duke of York. While yet unacquainted with the grant to Berkeley and Carteret, he formed the design of colonizing the district which they had acquired, and for this purpose granted licenses to various persons to make purchases of lands from the aboriginal inhabitants of New Jersey. Three small townships were speedily formed in the eastern part of the territory, by emigrants chiefly from Long Island, who laid the foundation of Elizabeth Town, Woodbridge, and Piscataway: and Nichols, who entertained a very favourable opinion of this region, bestowed on it the name of Albania, in commemoration of one of the titles enjoyed by his master. But the hopes which he had conceived of rendering the district a valuable appendage of the duke's possessions, were soon interrupted by intelligence of the title of its new proprietaries; and the measures he had already

Emigration from Long Island to New Jersey.

[6] Scot, 73—101. S. Smith, 61. 63. and Append. 512, &c. Chalmers, 615.

BOOK VI.

1664.

taken gave rise to disputes respecting the property of the soil between the settlers, whose establishment he had promoted, and the proprietaries who now claimed their allegiance, which disturbed the repose of the province for more than half a century. He transmitted an earnest remonstrance to the Duke of York, on the impolicy of thus multiplying statistical divisions, and of disjoining from his own province a portion distinguished above all the rest by the fertility of its soil, the commodiousness of its rivers, and the richness of its minerals; and while he urged the duke to revoke a grant so prejudicial to his own interest, he predicted, what really happened, that the undertaking of Berkeley and Carteret, to colonize a vacant territory, would disappoint their expectations of profit, and involve them in expenses, of which only their remote posterity could hope to gather the fruits. This remonstrance appears to have produced some impression on the mind of the duke: but either it failed to suggest to him a sufficient inducement to revoke the grant he had executed, or he judged such revocation beyond his power; and Nichols was reluctantly compelled to surrender the government of New Jersey to Philip Carteret, who arrived with a company of thirty settlers from England, and established himself at Elizabeth Town, which was regarded as the capital of the infant province. Here for some years he ruled in peace over a desert which was gradually replenished with people from the provinces of New York and New England, attracted by the qualities of the country and the repute of the liberal institutions which its inhabitants were to enjoy. It was a happy peculiarity of the lot of those colonists that, establishing themselves in the vicinity of countries already cultivated, they escaped the disasters and privations which had afflicted so severely the first inhabitants of most of the other provinces. Their

November, 1665. Arrival of the first governor and settlers from England.

neighbourhood to the commerce of New York, in particular, was considered a circumstance of no small advantage during the infancy of their settlement; though, in process of time, it was less favourably regarded, as having contributed to prevent the rise of a domestic mart, which would have afforded still more effectual encouragement to their trade. Like the other colonists of North America, they enjoyed the advantage of transporting the arts and habits of industry from an old country, where they had been carried to a high state of perfection, into a new land which afforded them more liberal encouragement and more unrestricted scope. Their exertions for the raising of cattle and grain were speedily and amply rewarded by a grateful soil; and their relations with the Indians enabled them to prosecute their labours in undisturbed tranquillity, and to add to them a beneficial traffic in peltry with the roving tribes by whom the neighbouring forests were inhabited. Their connexion with the sister colony of New York communicated to them the benefit of the alliance which subsisted between this colony and the powerful confederacy of the Five Nations; and, as the influence of this confederacy extended to all the tribes in the vicinity of the new settlement, its inhabitants enjoyed the felicity of an entire exemption from Indian war. Recommended by the salubrity of its climate, in addition to so many other advantages, it will not appear surprising that New Jersey was soon considered a very desirable residence, and that its attractions were celebrated by early writers with higher commendation than any of the other settlements obtained. The proprietaries, still buoyed up with the hope of a gainful revenue from their province, were not wanting in exertions to circulate the intelligence of its advantages both in Europe and America, and from time to time despatched from England vessels

1665.

BOOK VI. freighted with settlers and stores to reinforce the numbers and supply the wants of their people. But the period to which they had looked for the fulfilment of their hopes, was fated to demonstrate their fallacy; and the scene of felicity which the province had hitherto presented was disagreeably overcast by the arrival of the day when the payment of quit rents had been appointed to commence. The first demand of this tribute excited general disgust among the colonists, who seem to have expressed more unwillingness than inability to comply with it. A party among them, including the oldest settlers, who had occupied their lands under the authority of Colonel Nichols, refused to acknowledge the title of the proprietaries, and, in opposition to it, set up titles which they had obtained for themselves from the Indians. It was easier for the governor to demonstrate the illegality of these pretensions, than to prevail with the people to abandon them. For two years he maintained an ineffectual struggle to enforce the claims of the proprietaries, till at length the popular discontent broke forth in an insurrection which he found it impossible to withstand. He was compelled to return to England, stript of his functions, which the colonists forthwith conferred on a natural son of Sir George Carteret, by whom their pretensions had been abetted. Disappointing as this result must have been to the proprietaries, it was impossible for them to impute the blame of it to their governor, or to hesitate to replace him in the station from which he had been expelled. This measure, however, was retarded by the unexpected events of the following year, when New York again reverting to the dominion of Holland, New Jersey was once more reunited to the province of New Netherlands [7].

1665—1670.

March, 1670.

Discontent and disturbance in the colony.

November, 1672.

1673.

[7] Douglas' Summary, ii. 268, 269. S. Smith, 62. 67, 68. Chalmers, 615, 616. 624, 625.

BOOK VI.

1674.

Renovation of the titles to New Jersey.

The Dutch, as we have already seen[8], did not long retain their acquisition, which was restored to Great Britain by the treaty of London. But the re-establishment of the proprietary governments into which the territory had been previously divided, was thought to require some additional formality, and was not effected without a renovation of the titles by which these jurisdictions had been originally created. Some doubts had already been suggested of the validity of the royal charter, which had been granted to the Duke of York at a time when the Dutch government was in quiet possession of the country; and, however unwilling to acknowledge the force of this objection, and recede from a pretension that had been deliberately embraced by his brother and himself, the duke was prompted by his own interest to remove from men's minds a doubt so likely to obstruct the resort of settlers to his province. Another cause seems also to have contributed to turn his thoughts to the procurement of a new investiture. The remonstrances of Colonel Nichols had led him to regard the grant he had made of New Jersey to Berkeley and Carteret with feelings of dissatisfaction, which were not diminished by the liberal institutions which these proprietaries had conferred on their province, and the number of inhabitants who had been attracted to it from his own dominions. Whatever were the motives that withstood the gratification of his wishes, whether he scrupled to commit the injustice and incur the dishonour of robbing two of the firmest adherents of his family, or doubted the support of the law or the king in such a transaction, it is manifest from his conduct that he entertained a desire to repossess himself of the New Jersey territory, without making any compensation to the parties who had acquired it. The Dutch conquest seemed to furnish him with an op-

[8] B. v. cap. 1, *Ante.*

BOOK VI.

portunity of removing the objections to which his own title was subject, without seeming to confess its original defectiveness; and to afford him, at the same time, a decent pretext for divesting Berkeley and Carteret of their property, without disowning the grant by which he had bestowed it upon them, or incurring any obligation to indemnify them for its loss. It was pretended that the Dutch conquest had extinguished the proprietary rights, and that the country, unencumbered by them, had now reverted to the crown.

1674.

June. In conformity with this view, the duke applied for a new investiture, and found no difficulty in obtaining from the king a second charter, which recited the former grant, and confirmed to him the whole of the territory which that grant had embraced. He now appointed Andros his lieutenant over the whole reunited province; and, investing all the functions of legislative and executive power in the governor and council, established the same arbitrary government in New Jersey that he had all along maintained in New York. But, although he could thus meditate the meanness of despoiling his friends of a property which he had sold to them, he wanted either resolution or authority to effectuate his iniquitous pretensions; and, on the application of Sir George Carteret, scrupled not to promise a renewal of the grant of New Jersey. Yet, though ashamed to acknowledge his intentions, he was unwilling to abandon them; and while the execution of the grant was delayed, he transmitted orders to Andros to maintain his prerogative over the whole territory. Even when he finally consented to restore New Jersey, he endeavoured to evade the complete performance of his engagement, and pretended to have reserved certain rights of sovereignty over it, which Andros seized every opportunity of asserting.

January, 1675.

Equivocal conduct of the Duke of York.

In the beginning of the year 1675, Philip Carteret

returned to New Jersey, and resumed the government of the settlements which had been formed in the eastern part of the province, and from which he had been expelled about two years before. The inhabitants, who had experienced the rigours of conquest and the arbitrary rule of Andros, now received their old governor very willingly; and, as he postponed the payment of their quit rents to a future day, and published a new set of *concessions* by Sir George Carteret that confirmed all their privileges, a peaceable and contented subordination was once more re-established in the colony. The only subject of disquiet that occurred for several years, arose from the arbitrary proceedings by which Andros from time to time enforced the unjust pretensions of the Duke of York. Governor Carteret, in the hope of procuring to his people a share of the advantages which the neighbouring colony derived from her commerce, attempted to establish a direct trade between England and New Jersey. But Andros warmly opposed this proceeding, as an injury to the commerce and the customs of New York; and by confiscating the vessels that traded in opposition to his mandates, put an end to the New Jersey commerce in its infancy. In addition to this outrage, he endeavoured by various exactions to render the colonists tributary to his government; and even proceeded to such extremity of insolence as to arrest Governor Carteret and convey him prisoner to New York. When complaints of these proceedings of his deputy were carried to the duke, he evinced the same indecision and duplicity that had characterized all his recent demeanour. He could not consent, he said, to depart from a prerogative which had always belonged to him: yet he directed that the exercise of it should be relaxed, as a matter of favour to his friend Sir George Carteret [9].

BOOK VI.

1675.

1676.

[9] Douglas, II. 272. S. Smith, 68—77. Chalmers, 616—618. Smith's New York, p. 45.

BOOK VI. 1676.

But the province had now been divided into two proprietary jurisdictions; and it was in the western part of it, in which Carteret had ceased to have any interest, that the duke attempted to appropriate the largest share of his pretended prerogative. The circumstances that attended this partition of the territory, compose the most interesting portion of the early history of New Jersey.

Situation of the quakers in England.

Among the various sectaries who had reason to complain of the ecclesiastical policy pursued by the ministers of Charles the Second, the quakers incurred an ample share of persecution. During the last years of the protectorate of Cromwell, a number of quakers, charged with offending against public order and decency, had been committed to prison in various parts of England; and because the protector refused or delayed to pass an order for their release, one of the leaders of the sect rebuked him publicly in an angry harangue, which he concluded by tearing his own cap in two, and prophesying that the government would be rent from Cromwell and his family[1]. The accomplishment of this prediction, however, was the only gratification that the quakers were permitted to derive from the abolition of the protectoral government. In the interval between that event and the restoration, they experienced such additional severity as again elicited from one of their number the prophecy of another political revolution. These severities, partly occa-

[1] Cromwell, though in general he treated the quakers with lenity (of which the impunity of this prophet may be adduced as an instance), could not entirely subdue his jealousy of a sect in which some of his own most determined adversaries had enrolled themselves. That restless agitator, John Lilburn, in the midst of his opposition to Cromwell, made a profession of quakerism, and yet not only continued to write against the protector's government, but long refused to promise that he would not employ his sword in aid of his pen. Gough and Sewell, i. 70. Cromwell had personally witnessed a great deal of quaker extravagance. He was interrupted when presiding in parliament by a quaker, who called out that he had a message from the Lord to the protector, Ibid. 79; and he had seen a female quaker enter stark naked into a church where he was sitting with his officers at divine worship. Hume, vii. 336.

sioned by the aversion which the presbyterian ministers and magistrates entertained for the doctrines of the quakers, were also in part provoked by the frenzy and indecency with which many of the professors of these doctrines thought proper to signalise their contempt for the worship of their adversaries[2]. To the committee of safety, in whose hands the supreme power was lodged, the quakers were rendered additionally obnoxious by the progress which their tenets had made among the veteran soldiers of the commonwealth, and the success with which George Fox interposed to prevent a body of these converts from joining the parliamentary forces who were marching to suppress the insurrection of the royalists in Cheshire. They refused to interpose for the liberation of those quakers who had been imprisoned by the magistrates as vagabonds and disturbers of the peace, or even to restrain the outrages of the populace, who in many places began to insult and disturb the quaker assemblies. The advancement of General Monk to the supreme direction of affairs, not only gratified these sectaries with the accomplishment of another prediction, but encouraged them to expect a favourable change in their own situation. Monk issued an order that no further disturbance should be given to the peaceable meetings of the quakers, and he listened to their complaints with a respect and attention which they had not been able to procure from his predecessors in authority. The hopes which this altered treatment gave rise to, were realised at the restoration. To the favourable regards of the king, the quakers were recommended by the complaints they preferred against every description of authority that had subsisted in England during the suspension of monarchy, and by the peculiar enmity they expressed against those who were also,

[2] See Note VIII.

BOOK VI.

1676.

in an eminent degree, the objects of his own dislike. Their accusations of the government of New England, in particular, met with a gracious acceptance, and produced an order for the suspension of all further severities against them in that quarter. Upwards of seven hundred quakers were released from various prisons in England, and an assurance was given that a complete toleration of quaker worship would be established by law. The fulfilment of this assurance, however, was obstructed by certain of the king's ministers, who, though willing by delusive pretences to tranquillise all the dissenters till the newly-restored monarchy might appear to be firmly established, were secretly determined to enforce a strict uniformity of religious worship in England; and, before many months of the new reign had elapsed, their purpose was effectually promoted by a circumstance which suddenly and completely extinguished whatever of court favour the quakers had really or seemingly enjoyed. Meanwhile, the sect, like all others, was indulged with an actual toleration, which was diligently improved by its founder and his wiser associates in multiplying their converts, and introducing into their society a system of order and discipline that tended to curb the wild spirit which had transported so many votaries of quakerism beyond the bounds of decency and sobriety, and exposed their profession, in so many places, to reproach and persecution. But this state of unmolested tranquillity, together with the hope of seeing it perpetuated by law, were quickly destroyed by a violent explosion of fury and fanaticism from a different body of sectarians. In some points, both of doctrine and practice, the *Fifth Monarchy men*, or *Millenarians*, bore a strong resemblance to the quakers: a temporal hierarchy, in particular, was equally odious to both, and both re-

jected, on all occasions, the ceremonial of an oath. The millenarians, however, went a step further than the quakers, and held themselves entitled to employ force for the overthrow of every temporal supremacy that usurped the place, and obstructed the advent, of that spiritual dominion which they eagerly expected to behold. George Fox, on the contrary, had taught, from the beginning of his ministry, that it was absolutely unlawful to employ any other than spiritual weapons for the promotion of spiritual ends, or, indeed, of any ends whatever. But he was well aware that he had collected around him many of the wildest and most combustible spirits in the kingdom; and the exaggeration of his own principles, which he beheld in the demeanour of many of his own followers, together with numberless examples among the other sects and factions of which the times were so prolific, had forcibly taught him by what insensible gradations the minds of men, when thoroughly heated by religious or political zeal, are carried from the disapprobation of hostile institutions into the conviction of an especial call, or of a clear moral duty, to attempt their subversion. It was therefore with no small alarm that Fox had heard of the projects that the millenarians entertained some time prior to the restoration, of effecting by force of arms the establishment, or at least the recognition, of the Messiah's personal reign upon earth; and he had published, at the time, an earnest remonstrance to all his followers on the unlawfulness of designs, which, however remote from their distinctive principles, would prove, he feared, but too congenial to the spirit with which, in many instances, these principles were associated. But his endeavours, whatever effect they may have produced on his own followers, failed to convince the public that there was any radical or solid distinction between the quakers

BOOK VI. 1676.

and the millenarians; and what probably contributed to sharpen his own apprehensions, as well as to increase the public prepossession, was, that the quakers were encumbered with a number of partial and temporary adherents, the limits of whose faith they were unable to ascertain by reference to a creed, and who, flitting from sect to sect, according to the ebbs and flows of their own humour and caprice, remained only long enough with any one to infect it with their own levity, and dishonour it with a share of their own reputation. The insurrection that broke forth among the millenarians, in the first year of the restored monarchy, proved highly prejudicial to the interests of the quakers, not only from the common opinion that the principles of the two sects were substantially the same, but from the plausible grounds that were afforded to the adversaries of toleration; and the pledges which the government, no less alarmed than provoked, determined to exact from every description of its subjects. The quakers now became the objects of peculiar jealousy, from their refusal to give assurance of fidelity to the king by taking the oath of allegiance, and were assailed with a rigour and reality of persecution which as yet they had never experienced in England. They were at first included along with the millenarians in a royal proclamation which forbade either of these classes of sectaries from assembling under pretence of worship elsewhere than in parochial churches, but were soon after distinguished by the provisions of an act of parliament that applied exclusively to themselves. By this statute it was enacted, that all quakers refusing to take the oath of allegiance, and assembling to the number of five persons above sixteen years of age for the purpose of divine worship, should, for the first and second offences, incur the penalty of fine and imprisonment, and, for the third, should either abjure

the realm or be transported beyond it. Nay, so cordial was the dislike now entertained by the court against the quakers, that, instead of employing the complaints of this sect as the handle for a quarrel with the obnoxious province of Massachusetts, it was determined to stir up the enmity that had been expressed in this province against the quakers, and to invite the provincial government to a repetition of the severities that had been so recently prohibited. For this purpose, it was signified to the governor and assembly of Massachusetts, by a letter under the hand of the king[3], that his majesty, though desirous that liberty of conscience should be granted to all other religious professors in the province, would be glad to hear that a severe law were passed against the quakers, whose principles he reckoned incompatible with the existence of government. These unfavourable sentiments were very shortly after exchanged by the king for a juster estimate of quaker principles. In a conference which he granted to some of the leading members of the sect, he received assurances which satisfied him not only that this people had been unjustly confounded with the millenarians, but that their principles with respect to government, including an absolute renunciation of the right of resistance, were such as he had reason to wish more generally diffused through his dominions. But this alteration in his sentiments produced no relaxation of the legal severities to which the quakers were subjected, and was attended with no other consequence than a familiar and apparently confidential intercourse between him and some of their more eminent leaders, together with many expressions of regard and good will on his part which he was unwilling or unable to substantiate. In the persecution that was now commenced against all classes of dissenters, the quakers were exposed to

[3] *Ante*, B. ii. cap. 3.

BOOK VI. 1676.

a more than equal share of severity from the unbending zeal with which they refused to conform even in appearance to any one of the obnoxious requisitions of the law, and the eagerness with which they seized every opportunity of making manifest their forbidden practices, and signalizing their peculiar gifts of patient suffering and unconquerable perseverance. In every part of England the quakers were harassed with fines and imprisonments, and great numbers were transported to Barbadoes and to the American settlements [4], where they formed a valuable addition to the English population, and quickly found that their persecutors in expelling them from their native land, had unconsciously contributed to the melioration of their lot. Instead of the wild enthusiasts who had formerly rushed with headlong zeal to New England in quest of persecution, there was now introduced into America a numerous body of wiser and milder professors of quakerism, whose views were confined to the enjoyment of that liberty of worship, for the sake of which they had been driven into exile. In several of the American provinces, as well as in the island of Barbadoes, they experienced an ample toleration and a friendly reception from the governments and the inhabitants; and, even in those provinces where they were still the objects of suspicion and severity, they contributed to render their principles less unpopular, by demonstrating with what useful industry and peaceful virtue the profession of them might be combined. Contented with the toleration of their worship, and diligently improving the advantages of their new lot, many of their exiles attained, in a few years, to a plentiful and prosperous estate; and so far did they carry their willingness to reconcile their

[4] In one vessel alone, which was despatched from England in March 1664, sixty quaker convicts were shipped for America. Williamson's North Carolina, i. 82.

own tenets with the existing institutions and practices of the countries in which they found themselves established, that in many instances they united a profession of quakerism with the purchase and employment of negro slaves. Perhaps the deceitfulness of the human heart was never more strikingly exhibited than in this monstrous association of the characters of exiles for conscience sake and the principles of universal peace and philanthropy, with the condition of slave owners and the exercise of arbitrary power. Yet, in process of time, much good was educed from this evil; and the inconsistency of one generation of quakers enabled their successors to exhibit to the world a memorable example of disinterested regard for the rights of human nature, and a magnanimous sacrifice to the requirements of piety and justice.

The principles of the sect continued meanwhile to propagate themselves in Britain, to an extent that more than supplied the losses occasioned by the banishment of so many of their professors. Almost all the other sects had suffered an abatement of piety and reputation from the furious disputes and vindictive struggles that attended the civil wars; and while the quakers were distinguished by exemption from this reproach, they were no less advantageously distinguished by a severity of persecution which enabled them to display in an eminent degree the primitive graces of christian character. It was now that their cause was espoused and their doctrines defended by writers who yielded to none of their cotemporaries in learning, eloquence, or ingenuity, and who have never been equalled, or even approached, by any succeeding authors in the ranks of the quakers. The doctrines that had floated loosely through the quaker body were now collected and reduced to an orderly system; the discipline necessary to preserve from

BOOK VI.

1676.

anarchy, and restrain the fantastic sallies which the genuine principle of quakerism is peculiarly apt to beget [5], was explained and enforced; and, in the midst of a persecution which drove many of the presbyterians of Scotland to despair and rebellion, the quakers began to add to their zeal and resolution that mildness of address and tranquil propriety of thought and conduct by which they are now universally characterized. Yet, it was long before the wild and enthusiastic spirit which had distinguished the rise of the society was banished entirely from its bosom; and while it continued to exert its influence, a considerable diversity of sentiment and language prevailed among the quakers [6]. This diversity, in particular, was manifest in the sentiments that were entertained with regard to the duty of confronting persecution. While all considered it unlawful to forsake their ordinances on account of the prohibition of their oppressors, there were many who esteemed it no less a dereliction of duty to abandon their country for the sake of a peaceful enjoyment of their ordinances in another land. Considering quakerism as a revival of primitive Christianity, and themselves as fated to repeat the fortunes of the first Christians, and to gain the victory over the world by evincing the fortitude of martyrs, they had associated the success of their cause with the infliction and endurance of persecution, and deemed the retreating from a country where this evil impended over them, to one where they might be exempted from it, equivalent to the desertion of the contest in

[5] Robert Barclay, the author of the "Apology for the Quakers," and of a treatise on "the Anarchy of the Ranters," has perhaps done more than any other writer of his persuasion to render quakerism a methodical and rational system. Yet this eminent person, though remarkably distinguished for the strength and soundness of his understanding and the sedateness of his temper, soon after his conversion to quakerism, betrayed in his conduct a strong taint of enthusiastic extravagance. He himself mentions, that on one occasion, having experienced a vivid impression of the duty of walking through the streets of Aberdeen in sackcloth and ashes, he could not be easy till he had obeyed the divine call, as he conceived it to have been. Aikin's General Biography, vol. ii.

[6] See Note IX.

which the prevalence of truth or of error was to be decided. The toleration of their principles seemed to be less the object of their desire than the victorious spread of them; and the success of quakerism in England appeared to be incomplete without the downfal of the established hierarchy[7]. But there were others of more moderate temper, who, though willing to sustain the character of the primitive Christians, deemed this character no way inconsistent with the exercise of that liberty which was expressly conceded to the objects of their imitation, in the apostolic direction that when persecuted in one city they should flee to another. Disturbed in their religious assemblies, harassed and impoverished by fines and imprisonments, and withal continually exposed to a violent removal from their native land, as the consequence of a line of conduct which they held it their duty to pursue, they were led to meditate the advantage of a voluntary expatriation with their families and their substance, and naturally cast their eyes on that country which, notwithstanding the severities once inflicted on their brethren in some of its provinces, had always presented an asylum to the victims of persecution. Their regards were farther directed to this quarter by the number of their fellow sectaries who were now established in several of the North American states, and the freedom, comfort, and tranquillity which they were there enabled to enjoy[8].

Sale of Berkeley's share of the province to quakers.

Such was the situation of the quakers at the time when Lord Berkeley, alarmed by the insubordination

[7] In Neal's History of the Puritans (vol. iv.) there is preserved an account of a debate which took place in one of the churches of London between an English bishop and a party of these wilder professors of quakerism, who willingly accepted the bishop's rash challenge to a public disputation. The debate was short, and soon degenerated into a reciprocation of abuse, in which the bishop, finding himself by no means a match for his opponents, took to flight, and was pursued to his house by a mob of quakers, vociferating at his heels, "The hireling flieth, the hireling flieth."

[8] Gough and Sewell's History of the Quakers, vol. i. caps. 2, 4, 6, 7, and 8. vol. ii. cap. 4. Neal's History of the Puritans, vol. iv.

BOOK VI. 1676.

of the planters of New Jersey, and dissatisfied with an acquisition which seemed likely to realize the predictions of Colonel Nichols, offered his share of the province for sale. He soon received the proposal of a price that was satisfactory from two English quakers named Fenwick and Byllinge, and in the year 1674, in conformity with their desire, conveyed the subject of the purchase to the first of these persons in trust for the other. Fenwick appears to have been unworthy of the confidence implied in this arrangement. A dispute soon arose between Byllinge and him with regard to their respective proportions of interest in the territory; and, to avoid the scandal of a law-suit, the two parties agreed to submit their pretensions to the judgment of the celebrated William Penn, who now began to occupy a conspicuous place among the leaders and champions of the quaker cause. Penn found it easier to appreciate the merits of the case than to terminate the controversy; and, after he had pronounced an award in favour of Byllinge, it required the utmost exertions of his address and authority to prevail upon Fenwick to recognise it. Yielding at length to the solemn and earnest remonstrances of Penn, Fenwick forbore to press his unjust demand any farther; and, in the year 1675, with his wife and family, and a small troop of quaker associates, he set sail from England, and established himself in the western part of New Jersey. But Byllinge was now no longer in a condition to profit by the adjustment of the dispute. He had sustained such losses in trade that it became necessary for him to divest himself of the whole of his remaining property for the indemnification of his creditors; and as the most valuable part of this property consisted of his New Jersey purchase, he was the more naturally led to desire that its administration should be confided to the same eminent person whose good offices had so recently contributed

to ascertain and preserve it. William Penn, after some consideration, agreed to undertake this duty, and, in conjunction with Gawen Laurie and Nicholas Lucas, two of the creditors of Byllinge, assumed the direction of their constituents' share of the New Jersey territory. 1676.

Partition of the province between them and Carteret.

The first care of Penn and his associates was to effect a partition of the province between themselves and Sir George Carteret; and as all parties were sensible of the disadvantage of a joint property, the division was accomplished without difficulty. The eastern part of the province was assigned to Carteret, under the name of East New Jersey; the western, to Byllinge's assignees, who named their moiety West New Jersey. The administrators of this latter territory then proceeded to divide it into an hundred lots, or *proprieties*; ten of which they assigned to Fenwick, and the remaining ninety they reserved for sale for the benefit of the creditors of Byllinge. Their next and most important proceeding was to frame a political constitution for the purchasers and future inhabitants of the land, which was promulgated under the title of *concessions*, or terms of grant and agreement, to be mutually signed by the venders and purchasers of the territory. This instrument adopted the provisions that had been previously enacted by Berkeley and Carteret for the exemption of the provincials from all taxes but such as their own native assemblies should impose on them, and for the security of religious freedom; the clause by which this latter provision was introduced being prefaced by a general declaration, "that no men, nor number of men, upon earth have power to rule over men's consciences in religious matters." It was appointed that the people should meet annually to choose one honest man for each propriety to sit in the provincial assembly; that "these elections be not determined

July.

BOOK VI

1676.

by the common and confused way of cries and voices, but by putting balls into balloting boxes to be provided for that purpose, for the prevention of all partiality, and whereby every man may freely choose according to his own judgment and honest intention;" and that every member of assembly should be allowed a shilling a day during the session, "that thereby he may be known to be the servant of the people." Every man was to be capable of choosing and being chosen to sit in these assemblies, which were vested with the power to make, alter, and repeal laws, and to elect, from time to time, a committee of assistants to carry the laws into execution. Without the verdict of a jury, no man could be arrested, confined, or deprived of life, liberty, or estate. Imprisonment for debt was disallowed; and a bankrupt, after surrendering his estate to his creditors, was set at liberty to work again for himself and his family. Such is an outline of the composition that forms the first essay of quaker legislation, and entitles its authors to no mean share in the honour of planting religious and political liberty in America. "There," said Penn and his colleagues, in allusion to this fruit of their labours, "we lay a foundation for after ages to understand their liberty as men and christians, that they may not be brought in bondage but by their own consent; *for we put the power in the people*[o]."

The publication of this instrument, which its authors accompanied with a special recommendation of the province to the members of their own religious fraternity, produced an immediate display of that diversity of sentiment which had begun to prevail among the society of quakers. Many prepared with alacrity to embrace the proposals of the trustees, and expressed the most exaggerated expectations of the

[o] S. Smith, 79—81, and Append. No. II. 521, &c. Chalmers, 617. Clarkson's Memoirs of Penn, vol. i. caps. 11 and 12.

liberty, prosperity, and repose that awaited them in the new settlement; while others regarded with jealousy, and even vehemently opposed, a secession which they considered pusillanimous and discreditable. To moderate the expectations of the one, and to appease the jealousy of the other of these parties, William Penn and his colleagues addressed a circular letter to the members of their sect, in which they solemnly cautioned them against leaving their country from a timid reluctance to bear testimony to their principles, from an impatient unsettled temper, or from any motive inferior to a deliberate conviction that the God of all the earth opened their way to New Jersey, and sanctioned their removal thither. They were admonished to remember that, although quaker principles were established in the province, only quaker safeguards could be interposed or relied on for their preservation; and, in particular, that the religious toleration which was to be established must depend for its continuance on the aid of that Being with whose will they believed it to concur, and could never be defended by force or violence against the arm of an oppressor. To this admonitory letter there was annexed "A Description of West New Jersey," for the better information of intending colonists, in which some trivial exaggerations that had gone abroad respecting the excellence of the soil and climate were corrected, but, in the main, a most inviting representation of the settlement was conveyed. This publication was certainly not intended to repress the ardour of quaker emigration; neither had it any such effect. Numerous purchases of colonial land were made by quakers in various parts of England; and, in the course of the year 1677, upwards of four hundred persons of this persuasion transported themselves to West New Jersey. Many of these were persons of considerable substance and respectability, who

BOOK VI.

1676.

1677.

Emigration of quakers from England to West Jersey.

BOOK VI.

1677

carried with them their children and servants; and along with them were sent a board of commissioners appointed by Penn and his colleagues to make partition of the lands, and purchase the acquiescence and friendship of the Indians. While the ship that carried out the first detachment of these emigrants was lying in the Thames, and preparing to sail, it happened that Charles the Second was passing by in his pleasure barge. Observing a number of quakers on board, the king came alongside the vessel, and inquired whither they were bound. Informed of their purpose, he asked if they were all quakers, and, being answered in the affirmative, he gave them his blessing and departed [1].

Encroachments of the Duke of York.

On their arrival in America, the quakers very soon discovered that the danger of a lawless encroachment on their privileges had not been suggested to them in vain. Andros summoned them to acknowledge the sovereignty of his master, the Duke of York; affirming that his own life would be endangered if he should venture to recognize their independence without an express order from the duke. When they remonstrated against this usurpation, Andros cut short the controversy by pointing to his sword; and as this was an argument which the quakers were precluded from retorting, they submitted for the present to his violence, and acknowledged themselves and their territory subject to the Duke of York, till the issue of an application for redress, which they transmitted to England. They were compelled for some time to endure the hardships inseparable from the occupation of a desert land. But these hardships

[1] S. Smith, 88—93. Proud's History of Pennsylvania, i. 138—144. This is a very scarce work. I am indebted to the kindness of Dr. Sims, of Cavendish Square, London, for a perusal of one of the very few copies of it that are to be found in Europe. It is a work of great research, and abounding with valuable matter; but one of the most confused and tedious compositions that ever tormented human patience.

were surmounted by industry and patience; and their first settlement, to which they gave the name of Burlington, quickly exhibited a thriving appearance, and was replenished with inhabitants by successive arrivals of additional quaker emigrants from the parent state. It was observed in this, as in most of the other infant settlements in America, that the success of individual colonists was in general proportioned to the original humility of their condition, and the degree of reliance which they placed on the resource of their own unassisted industry. Many who emigrated as servants were more prosperous than others who imported a considerable substance along with them. Inured to industry, they derived from it a return so ample, as soon enabled them to rise above a state of servitude, and cultivate land on their own account; while the others, subsisting too long on their imported stock, and relying too far upon the hired labour of the poor, were not unfrequently reduced to indigence. The first exertions of the colonists to procure themselves a livelihood had been facilitated by the friendly assistance of the Indians; but a hostile attack was soon threatened by these savages, who, on finding that a dangerous epidemic had broke out among them, accused their neighbours of having treacherously *sold them the small-pox*. The danger, however, was averted, by the influence of an Indian chief, who assured his countrymen that similar diseases had afflicted their forefathers, while as yet they had no intercourse with strangers, and that such calamities were not of earthly origin, but came down from heaven [2].

BOOK VI.

1677.

1678.

Sir George Carteret, the proprietary of East Jersey, died in 1679; having derived so little benefit from his American territory, that he found it

1679.

[2] S. Smith, p. 93—110. Proud, vol. i. p. 145—9.

BOOK VII. necessary to bequeath it by his will to trustees, who were instructed to dispose of it for the advantage of his creditors. The exemption which this district had been permitted to enjoy from the jurisdiction of the Duke of York, had not contributed to moderate the discontent with which the inhabitants of West Jersey submitted to an authority from which their right to be exempted was equally clear. They had never ceased to importune the duke for a redress of this grievance; and were at length provoked to additional vehemence of complaint and urgency of solicitation, by a tax which Andros, in the exercise of his master's pretended sovereignty, imposed on the importation of European merchandize into West Jersey. Wearied at length with the continual importunity of these suitors, rather than moved with a sense of honour or equity, this unjust prince consented to refer the matter of their complaint to certain commissioners, by whom it was finally remitted to the legal opinion of Sir William Jones. The argument employed in behalf of the colonists of West Jersey on this occasion, was prepared by William Penn, George Hutchinson, and several other coadjutors, chiefly of the quaker persuasion, and breathes a firm undaunted spirit of liberty, worthy of the founders of a North American commonwealth. "Thus then," they insisted, after a narrative of the titles by which the territory had been transmitted to them, "we come to buy that moiety which belonged to Lord Berkeley, for a valuable consideration: and in the conveyance he made us, powers of government are expressly granted; for that only could have induced us to buy it; and the reason is plain, because to all prudent men the government of any place is more inviting than the soil. For what is good land without good laws? the better the worse. And if we could not assure people of an easy, and free, and safe go-

1679.

1680.

Memorable remonstrance of the quakers—

vernment; both with respect to their spiritual and worldly property,—that is an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedoms, by a just and wise government,—a mere wilderness would be no encouragement: for it were a madness to leave a free, good, and improved country, to plant in a wilderness, and there adventure many thousands of pounds to give an absolute title to another person to tax us at will and pleasure." Having adverted to the argument in support of the duke's usurped authority, they continued—"Natural right and human prudence oppose such doctrine all the world over: for what is it but to say, that people free by law under their prince at home, are at his mercy in the plantations abroad. And why? because he is a conqueror there; but still at the hazard of the lives of his own people, and at the cost and charge of the public. We could say more, but choose to let it drop. But our case is better yet; for the king's grant to the Duke of York is plainly restrictive to the laws and government of England. Now the constitution and government of England, as we humbly conceive, are so far from countenancing any such authority, that it is made a fundamental in our constitution, that the king of England cannot justly take his subjects' goods without their consent. This needs no more to be proved than a principle; it is an home-born right, declared to be law by divers statutes." "To give up this," they added, "the power of making laws, is to change the government, to sell, or rather resign ourselves to the will of another; and that for nothing: For, under favour, we buy nothing of the duke, if not the right of an undisturbed colonizing, and that as Englishmen with no diminution, but rather expectation of some increase of those freedoms and privileges enjoyed in our own country: for the soil is none of

BOOK VI. 1680.

BOOK VI. 1680-1

his; 'tis the natives'; by the *jus gentium*, the law of nations; and it would be an ill argument to convert them to Christianity, to expel instead of purchasing them out of those countries. If then the country be theirs, it is not the duke's: he cannot sell it; then what have we bought?" "To conclude this point, we humbly say that we have not lost any part of our liberty by leaving our country; for we leave not our king, nor our government, by quitting our soil; but we transplant to a place given by the same king, with express limitation to erect no polity contrary to the same established government, but as near as may be to it; and this variation is allowed but for the sake of emergencies; and that latitude bounded by these words, *for the good of the adventurer and planter.*" In a subsequent part of their pleading [3], they remark, that "there is no end of this power; for since we are by this precedent assessed without any law, and thereby excluded our English right of common assent to taxes, what security have we of any thing we possess? We can call nothing our own, but are tenants at will, not only for the soil, but for all our personal estates. This is to transplant, not from good to better, but from good to bad. This sort of conduct has destroyed government, but never raised one to any true greatness." "Lastly, the duke's circumstances, and the people's jealousies considered, we humbly submit it, if there can be in their opinion, a greater evidence of a design to introduce an unlimited government, than both to exact an untermi-

[3] This curious document, which (like most quaker productions) is somewhat tedious, and enriched with some display of legal knowledge, is printed at full length in S. Smith's History. It is remarkable that Chalmers has taken no notice of it. Winterbotham (vol. ii. p. 287.) has given an abridged and very inadequate version of it. That Penn concurred in the presentation of this pleading, is undeniable; and hence it may be fairly presumed, that he assisted in its composition. But that he was the sole author of it, as some of his modern biographers have insinuated, is strongly refuted by its style, in which not the slightest resemblance is discoverable to any of his acknowledged productions.

nated tax from English planters; and to continue it after so many repeated complaints; and on the contrary, if there can be any thing so happy to the duke's present affairs, as the opportunity he hath to free that country with his own hand, and to make us all owers of our liberty to his favour and justice. So will Englishmen here know what to hope for, by the justice and kindness he shows to Englishmen there; and all men see the just model of his government in New York to be the scheme and draught in little of his administration in Old England at large, if the crown should ever devolve upon his head." Unpalatable as this argument must doubtless have been to the British court, and the counsellors of the Duke of York at this period, it was attended with the most triumphant success. The commissioners to whom the case had been referred were constrained to pronounce their judgment in conformity with the opinion of Jones, "that as the grant to Berkeley and Carteret had reserved no profit or jurisdiction, the legality of the taxes could not be defended." In compliance with this adjudication, the duke without farther scruple resigned all his claims on West Jersey, and confirmed the province itself in the amplest terms to its new proprietaries. And as the same procedure was evidently due to East Jersey, he granted soon after a similar release in favour of the representatives of his friend Sir George Carteret [4]. Thus the whole of New Jersey was promoted at once from the condition of a conquered country to the rank of a free and independent province; and made the adjunct, instead of the dependency, of the British empire. The powerful and spirited pleading, by which this benefit was gained, derives additional interest from the recollection of the conflict that was then carrying on

BOOK VI. 1680.

Causes the independence of New Jersey to be recognised.

August.

September.

[4] S. Smith, p. 116—125. 156. Proud, p. 150—2. Chalmers, p. 618, 619. State Papers, *apud cund.* 626.

BOOK VI. 1689.

in England between the advocates of liberty and the abettors of arbitrary power. I question if it be possible to point out, in any of the writings or harangues of which that period was so abundantly prolific, a more impressive or magnanimous effort for the preservation of liberty, than is evinced in this first successful vindication of the rights of New Jersey. One of the most remarkable features of the plea which the provincials had maintained, was the strong and deliberate assertion that no tax could be justly imposed on them, without their own consent and the authority of their own general assembly. The report of the commissioners in their favour, and the relief that followed, were virtual concessions in favour of this principle, which in an after age was destined to obtain a more signal triumph in the independence of North America.

West Jersey now filled apace with inhabitants, by the accession of numerous settlers, of which the greater proportion still continued to be quakers. Byllinge, who was appointed the first governor by the other proprietaries, not finding it convenient to leave England, granted a deputation of his functions to Samuel Jennings, by whom the first representative assembly of West Jersey was convoked. In this assembly, there was enacted a body of *Fundamental Constitutions*, and a number of laws for the protection of property and the punishment of crimes. By the Fundamental Constitutions, the assembly was empowered to appoint and displace all persons holding offices of trust in the province; and the governor was precluded from making war, or doing any act that should be obligatory on the state, without the assembly's concurrence, and from withholding his assent to any of its enactments. Assemblies were to be annually convoked; and no assembly was to have power to impose a tax which

First assembly of West Jersey. Nov. 1681.

should endure longer than a year. In the laws that were passed on this occasion, the most remarkable feature is a provision, that in all criminal cases, except treason, murder, and theft, the person aggrieved should have power to pardon the offender, whether before or after condemnation—a provision of very questionable expediency, but probably intended to prevent the christian duty of forgiveness from being evacuated, as in most countries is practically done, by the supposed municipal duty which engages a man to avenge as a citizen the wrong which as a Christian he is pledged to forgive. The landed property of every inhabitant was made liable for his debts; marriages were appointed to be solemnized by justices of the peace: for the prevention of disputes with the Indians, the sale of spirituous liquors to them was strictly prohibited; and for the encouragement of poor but industrious labourers, who obtained the means of emigrating from Europe by indenting themselves as servants to more wealthy settlers, every servant was entitled to claim from his master, at the expiry of his indenture, a set of implements of husbandry, certain articles of apparel, and ten bushels of corn. To prevent the resort of worthless and depraved men to the province, a law was soon after passed, requiring every new settler, under pain of a pecuniary fine, to give satisfactory evidence to a justice of the peace, that his change of residence was not the effect of crime, nor an act of fraud, but that he was reputed a person of blameless character and sober life. From this period till the dissolution of the proprietary government, the provincial assembly continued to be annually convoked. It did not always confine itself to the exercise of the ample powers with which it was constitutionally endowed. For when Byllinge soon after proposed to deprive Jennings, the deputy-governor, of his office, the as-

1681.

BOOK VI.

1681.

sembly interposed to prevent this proceeding; declaring that Jennings gave satisfaction to the people, and desiring him to retain his situation [5]. The rule and ordinary practice of the constitution, however, was that the council of assistants to the governor were nominated by the assembly; while the proprietaries appointed the governor; and he, with the consent of the proprietaries, named his own deputy.

The success of their experiment in West Jersey encouraged the quakers of Great Britain to avail themselves of the opportunity that was now afforded of enlarging the sphere of their enterprise by the acquisition of the eastern half of the territory. The close of Philip Carteret's administration of East Jersey was embittered by a revival of the disputes that had once rendered him a fugitive from his government. Even the concession that had been recently obtained from the Duke of York served but to afford additional materials of discord between the proprietary government and the people; and instead of mutually enjoying the important benefit which it conferred, the two parties set themselves to debate with the utmost vehemence and pertinacity, whether this instrument or the proprietary concessions in 1664 should be regarded as the foundation of their government. Disgusted with these disputes, and perceiving that they were not likely to derive either emolument or satisfaction from a prolonged administration of the proprietary government, the trustees and executors of Sir George Carteret offered the province for sale to the highest bidder; and closing with the proposals of William Penn [6], conveyed their rights over East Jersey to him, and to eleven other persons of the quaker persuasion. The territory compre-

Feb. 1682. The quakers purchase East Jersey.

5 S. Smith, p. 126—135. 151—5. 165. Proud, vol. i. p. 155, 156.

6 Though Penn thus became a proprietary of East Jersey, his connexion both with its concerns, and with those of West Jersey, was henceforward almost merely

hended in this conveyance contained already a variety of settlements, inhabited by seven hundred families, or about three thousand five hundred persons, exclusive of the inhabitants of certain remote and scattered plantations, who were computed to amount to at least half as many more. The great majority of the settlers were not quakers; and whether with the view of allaying the jealousy with which these persons might have regarded a government wholly composed of men whose principles differed so widely from their own, or for the purpose of fortifying their own interest at the British court, by the association of persons of influence in their undertaking, the twelve purchasers made haste to assume twelve other partners in their proprietary rights, and among others the Earl of Perth, Chancellor of Scotland, and Lord Drummond of Gilston, the Secretary of State for that kingdom [7]. In favour of these twenty-four proprietaries, the Duke of York executed his third and last grant of East Jersey; on receiving which, they proceeded to appoint a council or committee of their own number, to whom all the functions of the proprietary government were intrusted. To facilitate the exercise of their dominion, they obtained from Charles the Second a royal letter, addressed to the governor, council, and inhabitants of the province, stating the title of the proprietaries to the soil and jurisdiction, and requiring all to yield obedience to their government and the laws [8].

March, 1682.

nominal. He had now acquired for himself the province of Pennsylvania, which occupied all his interest, and diverted his attention from New Jersey.

[7] From the dedication of Scot's Model, &c. of East Jersey, it appears that Viscount Tarbet and Lord M'Leod, two other powerful Scotch nobles, became very shortly after proprietaries of this province. In one of Oldmixon's lists of the proprietaries (vol. i. p. 143), we find the name of Sir George Mackenzie, the Lord Advocate of Scotland, whom his contemporaries justly denominated the bloody Mackenzie: and in one of his subsequent lists we find the names of Archdale the quaker proprietary of Carolina, and of West the lawyer, who obtained so much infamous distinction as a witness for the crown on the trial of Lord Russell. 2d Edit. vol. i. p. 291.

[8] Scot, p. 108—125. 144. S. Smith, 156, 157. 161. Chalmers, p. 620, 621.

BOOK VI.

1682.

At the time when East Jersey thus became subject to quaker administration (for the quakers still formed a great majority of the proprietary body) the inhabitants, by a diligent improvement of their advantages, had attained a flourishing and prosperous estate. The greater number of them had emigrated from New England, or were the descendants of New Englandmen; and their laws and manners in some particulars bore the traces of this origin. The punishment of death was denounced by law against children striking or cursing their parents. Adulterers were liable to flogging or banishment. Fornication was *punished*, at the discretion of the magistrate, by *marriage*, fine, or flogging. Nightwalking, or revelling abroad, after the hour of nine, subjected the offenders to a discretionary punishment. A thief, for the first offence, was to make threefold restitution: in case of frequent repetition, he might be capitally punished, or reduced to slavery. There was no law for the public support of religion; but every township maintained a church and minister. "The people," said the first deputy who came among them from their quaker sovereigns, "are generally a sober, professing people, wise in their generation, courteous in their behaviour, and respectful to us in office." So happily exempt were they from the most ordinary and forcible temptation to violence and dishonesty, that according to the same testimony there was not an industrious man among them whose own hands could not procure him a state of honest competence, and even of ease and plenty [9]. If we might

[9] This testimony is confirmed by Gawen Laurie, who was the second deputy governor under the quaker administration. "There is not," he says, "in all the province a poor body, or that wants." "The servants work not so much by a third as they do in England, and I think feed much better; for they have beef, pork, bacon, pudding, milk, butter, and good beer and cyder to drink. When they are out of their time, they have land for themselves, and generally turn farmers for themselves. Servants' wages are not under two shillings a day, besides victuals." S. Smith, p. 177. 181.

rely implicitly on the opinion of this observer, we should impute the dissensions that had lately prevailed in the province to the folly and mismanagement of Carteret and his associates in the government. But there is reason to believe that the blame of these dissensions was more equally divided between the people and their rulers. A headstrong and turbulent disposition appears to have prevailed among some classes at least of the inhabitants; various riots and disturbances broke forth even under the new government; and the utmost exertions of quaker prudence and patience were required to compose them. A law which was passed about four years after this period reprobates the frequent occurrence of quarrels and challenges, and interdicts the inhabitants from wearing swords, pistols, or daggers[1].

Robert Barclay—

Among the new proprietaries of East Jersey was the celebrated Robert Barclay of Urie, a Scottish gentleman, who had been converted to quakerism, and in defence of his adopted principles had published a series of works that elevated his name and his cause in the esteem of all Europe. Admired by scholars and philosophers for the stretch of his learning and the strength and subtlety of his understanding, he was endeared to the members of his religious fraternity by the liveliness of his zeal, the excellence of his character, and the services which his pen had rendered to their cause. These services consisted rather of the literary celebrity which he had given to the quaker doctrines, than of any wider diffusion of their influence among mankind. For his writings in general are much more calculated to dazzle and confound the understanding, than to produce conviction or sink into the heart. To the King and the Duke of York, he was recommended not less by his distinguished fame, and his happy genius and address,

[1] S. Smith, p. 162, 163. 169. 171. 175. 186. 194.

BOOK VI. 1682.

than by the principles of passive obedience professed by that sect of which he was considered a leader; and with both the royal brothers as well as with several of the most distinguished of their Scottish favourites and ministers, he maintained the most friendly and confidential intercourse. Inexplicable, as to many such a coalition of uncongenial characters may appear, it seems at least as strange a moral phenomenon to behold Barclay and Penn, the votaries of universal toleration and philanthropy, voluntarily associating in their labours for the education and happiness of an infant community, such instruments as Lord Perth and other abettors of royal tyranny and ecclesiastical persecution in Scotland[2].

July, 1683. appointed governor.

By the unanimous choice of his colleagues Robert Barclay was appointed the first governor of East Jersey, under the new proprietary administration. So highly was he esteemed by his colleagues, and such advantage was anticipated from his superintendance of the colony, that his commission bestowed the office on him for life, and while it dispensed with his personal residence[3], authorised him to nominate his own deputy. But the expectations which produced or attended his elevation, were disappointed by the result: his government (like that of Sir Henry Vane in Massachusetts) was brief and ill fated, and calculated rather to lower than to advance his illustrious reputation. The most signal and beneficial event of his presidency, was the emigration of a considerable number of his own countrymen the Scotch to East Jersey; a measure which, however congenial it may appear to the situation of that oppressed and persecuted people, was not recommended to their adop-

[2] See Note X.

[3] Oldmixon is mistaken in asserting that Barclay himself repaired, and carried his family with him to the province. Barclay never was in New Jersey. Soon after his appointment, he sent thither his brother David, some of whose letters from the province are printed in S. Smith's History.

tion but by dint of a good deal of importunity and persuasion. For although the great bulk of the people of Scotland were dissatisfied with the episcopal establishment which their kings had forced upon them, and vast multitudes were enduring the utmost rigours of tyranny for their resistance to it, it was found no easy matter to persuade them to seek a relief from their sufferings, in a distant and perpetual exile from their native land. In addition to the motives to emigration which the severities exercised by Lord Perth and the other royal ministers contributed to supply, the influence of Barclay and other Scottish quakers was more successfully employed in prevailing with their countrymen to seek an asylum in East Jersey; and thither accordingly a body of emigrants, chiefly from Barclay's native county of Aberdeen, soon after resorted. For the purpose of rendering the Scotch more generally acquainted with the state of the colonial territory and the nature of its institutions, and of inciting them to remove thither, it was determined by the proprietaries to publish a historical and statistical account of it, with a preliminary treatise in which the prevailing objections to emigration should be combated, and this resource presented in a more desirable view than that in which the Scotch were generally disposed to regard it. From undertaking the authorship of this performance, Barclay was probably deterred by knowing that, as a quaker, his estimate of the popular objections, some of which were founded on religious considerations, would find little favour with the bulk of his countrymen; as well as by unwillingness to entangle himself with allusions to the existing persecution, which he could hardly have characterised in a manner satisfactory at once to his own conscience and to Lord Perth and others of his proprietary associates. To the work which was now composed and published,

BOOK VI.

1683.

1684.

BOOK VI.

1684.

in furtherance of his and his colleagues' design, it is probable that he contributed some assistance; and indeed the inequality of the performance strongly attests that it was not wholly the composition of a single author. It was published as the production of a Scotch gentleman, George Scot of Pitlochie, and bore the title of *The Model of the Government of the Province of East New Jersey in America.* From various passages in this work, it would appear that many of the Scotch were prepossessed with the notion, that to emigrate from their native land without some extraordinary sanction from the Divine will, was an impious dereliction of the lot which the Almighty had assigned to them. In opposition to this view a large and ingenious commentary was made on the Divine command to replenish and subdue the earth: and it was argued that as this was an eternal law, the duty to fulfil it was of continual obligation, and required no extraordinary manifestation from Heaven. Among other incitements to emigration, it is remarked that "We see by nature trees flourish fair, prosper well and wax fruitful in a large orchard, which would otherwise decay if they were straitened in a little nursery. Do we not see it thus fall out in our civil state, where a few men flourish best, furnished with abilities or best fitted with opportunities, and the rest wax weak and languish, as wanting room and means to nourish them? Now, that the spirits and hearts of men are kept in better temper by spreading wide, will be evident to any man who considers that the husbanding of unmanured ground and shifting into empty lands, enforceth men to frugality and quickeneth invention; and the settling of new estates requireth justice and affection to the common good; and the taking in of large countries presents a natural remedy against covetousness, fraud, and violence, when every man may enjoy enough without wrong

or injury to his neighbour." The heads of ancient families were particularly exhorted to embrace this opportunity of cheaply endowing their younger sons with a more liberal provision in America than the laws and usages of Scotland enabled them to bestow at home. In reply to an objection that had been urged that a province governed by quakers would be left unprovided of the means of military defence, it was stated that several of the proprietaries and many of the inhabitants did not belong to the quaker persuasion, and that East Jersey already numbered six hundred armed men. The argument derived from the severities inflicted by government on the presbyterians, is handled in a very courtly style. "You see it is now judged the interest of the government, altogether to suppress the presbyterian principles; and that in order thereto, the whole force and bensil of the law of this kingdom are levelled at the effectual bearing them down; that the rigorous putting these laws in execution hath in a great part ruined many of these, who notwithstanding thereof find themselves in conscience obliged to retain these principles; while, on the other hand, episcopacy is by the same laws supported and protected. I would gladly know what other rational medium can be proposed in these circumstances, than either to comply with the government, by going what length is required by law, in conforming; or to retreat, where by law a toleration is by his majesty allowed. *Such a retreat doth at present offer itself in America, and is nowhere else to be found in his majesty's dominions.*" What an encomium on America, at the expense of every other portion of the British empire! The work contains a minute account of the climate, soil, institutions and existing settlements of the province, and an elaborate panegyric on its advantages in all these particulars. As a farther recommendation of the province to the

1684.

BOOK VI.

1683.

favour of the Scotch, Barclay, displacing a deputy whom he had appointed, of his own religious persuasion, conferred this office on Lord Neil Campbell, uncle of the Marquis of Argyle, who repaired to East Jersey, and remained there for some time as its lieutenant-governor [4].

Emigration from Scotland to East Jersey.

The efforts of Barclay and his colleagues were crowned with success. A great many inhabitants of Scotland emigrated to East Jersey, and enriched American society with a valuable accession of virtue that had been refined by adversity, and piety that was invigorated by persecution. The more wealthy of the Scotch emigrants were noted for bringing with them a great number of servants, and in some instances for transporting whole families of poor labourers whom they established on their lands for a term of years, and endowed with a competent stock; receiving in return one half of the agricultural produce [5].

Designs of James the Second against the proprietary governments.

But James the Second had now ascended the British throne; and practically inverting the magnanimous sentiment that has been ascribed to a French monarch, he deemed it unnecessary for a King of England to respect the engagements of the Duke of York: nor could all his seeming friendship for Barclay, together with all the influence of Lord Perth and the other courtier proprietaries, deter him from

[4] Oldmixon and S. Smith concur in relating that Lord Neil Campbell succeeded Barclay as *governor*. But this seems to have been a blunder of Oldmixon, which Smith has incautiously copied. Barclay, as we have seen, was appointed governor for life in 1683; he did not die till 1690: and from a document preserved by Smith himself (p. 196) it appears that Barclay in 1688, as governor of East Jersey, subscribed an agreement of partition between it and West Jersey.

[5] Scot, 24. 27. 35. 38. 45. 49. 101. 217. Oldmixon, i. 145. S. Smith, 166, 167. 181, 2. The convulsions that preceded the assassination of De Witt and the triumph of the Prince of Orange in Holland, drove many respectable Dutch families from their native land. Most of these exiles retired to North America. Sonmans, a member of the States General, had proceeded to England with this view, when he was overtaken by the sanguinary fury of the Orange faction, and murdered by their emissaries as he was riding with Robert Barclay, the quaker, in the neighbourhood of London. His family, however, finally reached New Jersey. S. Smith, 425.

involving New Jersey in the design he had formed of annulling all the charters and constitutions of the American colonies. A real or pretended complaint was preferred to the English court against the inhabitants of the Jerseys for evasion of custom-house duties: and the ministers of James, eagerly seizing this handle, without farther ceremony caused writs of *quo warranto* to be issued against both East and West New Jersey, and directed the attorney-general to prosecute them with the utmost stretch of legal expedition; assigning as the reason for this proceeding, the necessity of checking the pretended abuses "in a country which ought to be more dependent on his majesty." Alarmed at this blow, the proprietaries of East Jersey presented a remonstrance to the king, in which they reminded him that they had not received this province as a benevolence, but had purchased it at the price of many thousand pounds, and had been encouraged to do so by the assurances of protection which they had received from himself; that they had already sent thither several hundreds of people from Scotland; and that, if it would be satisfactory to his majesty, they would immediately propose to the New Jersey assembly to impose the same taxes there that were paid by the people of New York. They entreated that if any change should be made in the condition of their province, it might be confined to an union of East and West Jersey in one jurisdiction, to be ruled by a governor whom the king might select from the body of proprietaries. But James was inexorable, and to their remonstrance gave no other answer than that he had determined to unite the Jerseys with New York and the New England states in one general government dependent

BOOK VI.

1680.

1687.

[6] This year the assembly of East-Jersey, convened at Perth Amboy, granted a tax of a penny in the pound on estates to enable the governor of New York to repel a threatened invasion, "because the king had instructed him to call on other provinces for aid in case he was invaded." State Papers *apud* Chalmers, 629.

BOOK VI.

on the crown and to be administered by Andros. Finding it impossible to divert him from his arbitrary purpose, the proprietaries of East Jersey were so far deserted of spirit and dignity, as not only to abandon a hopeless contest for the privileges of their people, but even to facilitate the execution of the king's designs against them, as the price of his consenting to respect their own private property in the colonial soil. They made a formal surrender of their patent on this condition; and as James agreed to accept it, the proceedings in the *quo warranto* process were no longer needed for East Jersey, and were even suspended with regard to the western territory. Seeing no resistance opposed to his will, the king was the less intent on consummating his acquisition; and while the grant of the soil to the proprietaries, which was necessary for this purpose, still remained unexecuted, the completion of the design was abruptly intercepted by the British revolution.

1688. April. defeated by the revolution.

Although the proprietary governments in New Jersey were preserved for a time from dissolution by this event, they never afterwards attained a state of vigour or efficiency. Robert Barclay, who seems never to have been divested of the government of East Jersey, died in 1690; but no traces of his administration are to be found after the year 1688; and from thence till 1692, it is asserted by Chalmers that no government at all existed in New Jersey. The peace of the country was preserved, and the prosperity of its inhabitants promoted by their own honesty, sobriety, and industry. Almost all the original proprietaries of both provinces had in the mean time disposed of their interests to recent purchasers; and the proprietary associations had become so numerous and so fluctuating, that their proceedings were deprived of proper concert and steadiness, and

1690. Inefficient state of the proprietary government.

[7] S. Smith, 211. Chalmers, 621, 622.

their authority possessed neither the respect nor the affection of the people. The appointment of new proprietary governors in 1692, was the commencement of a series of disputes, intrigues, and vicissitudes of office, which in a society more numerous or less virtuous would probably have been attended with civil war and bloodshed. The government of New York, which, from its dependence on the crown, was encouraged by King William to arrogate a pre-eminence over the neighbouring chartered colonies, seemed to have thought this a favourable opportunity of reviving, and even extending, its ancient pretensions in New Jersey, whose inhabitants learned with equal surprise and indignation that the assembly of New York had included them in a taxation which it imposed on its own constituents. This attempt, however, was not more successful than the other instances in which New York made similar efforts to usurp an undue authority. A complaint to the English government on this subject was referred to the crown lawyers, who delivered an opinion that produced an abandonment of the pretensions of New York[8]. At length the disagreements between the various proprietaries and their respective adherents attained such a height, and were productive of so much schism and confusion, that it was sometimes difficult, if not impossible, for the people to tell in which of two or more rival pretenders to authority the legal administration was truly invested[9]. Numerous complaints of the inconvenience occasioned by this state of matters, were addressed by the inhabitants of the

1692.

June, 1697.

[8] Sir John Hawles and Sir Cresswell Levinz were the lawyers consulted on this occasion. The opinion they delivered was "that no customs could be imposed on the people of the Jerseys, otherwise than *by act of parliament* or their own assemblies."

[9] Obedience was refused by a considerable party to one governor, because it was doubted if a majority of the proprietaries had concurred in his nomination; to another, because it was denied that his appointment had been ratified by the king; to a third (notwithstanding the precedent of Lord Neil Campbell's appointment), because, being a Scotchman, it was questioned if he were legally capable of holding office in an English colony.

BOOK VI.

1700. Jerseys to the British court; and the proprietaries themselves, finding that their seignorial functions tended only to disturb the peace of their territories, and to obstruct their own emoluments as owners of the soil, hearkened willingly to an overture from the English ministers for a surrender of their powers of government to the crown. This surrender was finally arranged and effected in the commencement of the reign of Queen Anne, who proceeded forthwith to reunite East and West Jersey into one province, and to commit the government of it, as well as of New York, to her kinsman, Edward Hyde, Lord Cornbury[1].

April, 1702. Surrender of the colonial patent to the crown, and reunion of East and West Jersey.

The commission and instructions which this nobleman received on his departure from England, present an abstract of the constitution and civil state of New-Jersey from the resumption of its charter till the period when it ceased to be a British province. The local government was appointed to consist of a governor and twelve councillors nominated by the crown, and of a house of assembly, consisting of twenty-four members, to be elected by the people. The sessions of this assembly were to be held alternately in East and in West Jersey. None were capable of voting for representatives in the assembly but persons possessing an hundred acres of land, or personal property to the value of fifty pounds; and none were eligible but persons possessing a thousand acres of land, or personal property worth five hundred pounds. The laws enacted by the council and assembly were subject to the negative of the governor: but if passed by him, they were to be immediately transmitted to England, where they were to be finally

Constitution of the provincial government.

[1] Oldmixon, i. 147. S. Smith, 207—220, and Append. 558—573. Chalmers, 622. State Papers, *apud eund.* 626. Although the proprietaries persisted in terming this surrender a voluntary act, and asserting their right to have retained the government if they had pleased so to do, they appear to have been swayed in some measure by the threat of an expensive suit with the crown, which had determined to bring the validity of their pretensions to trial. In the instrument of surrender, the queen, while she declares her gracious acceptance of the powers resigned to her by the proprietaries, expressly refuses to acknowledge that these powers ever legally belonged to them.

affirmed or disallowed by the crown. The governor was empowered to suspend any of the members of council from their functions, and to fill up vacancies occurring among them by death; and, with consent of this body, to constitute courts of law, to appoint all civil and military officers, and to employ the forces of the province in hostilities against public enemies. To the assembly there was to be communicated the royal desire, that it should impose sufficient taxes to afford *a competent salary* to the governor, to defray the salaries of its own members and of the members of council, and to support all the other provincial establishments and expenditure; the prescribed style of all money bills being, that the sums contained in them were granted to the crown, with the humble desire of the assembly, that they might be applied for the benefit of the province; and all monies so raised were to be paid into the hands of the receiver of the province till the royal pleasure should be signified with regard to their distribution. The former proprietaries of the province were confirmed in their rights to the estates and quit-rents which they had formerly enjoyed; and none but they and their agents and surveyors were to be suffered to purchase lands from the Indians. Liberty of conscience was assured to all men, *except papists*. Quakers were declared to be eligible to every office, and their affirmation accepted in lieu of the customary oaths. The governor was invested with the presentation to all ecclesiastical benefices. He was required to give particular encouragement to all ministers of religion in connexion with the church of England, and to "take especial care that God Almighty be devoutly and duly served." It is deserving of regret rather than of surprise, to find combined with, and almost in immediate sequence to this display of royal zeal for the interests of religion and the honour of God,

BOOK VI. 1702.

BOOK VI. 1702.

a requisition to the governor, that, in encouraging trade, he should give especial countenance to the Royal African Company of England—a company that had been instituted for the piratical purpose of kidnapping or buying negroes in Africa, and selling them as slaves in the American and West Indian plantations. It was declared to be the intention of her majesty "to recommend unto the said company, that the said province may have a constant and sufficient supply of merchantable negroes at moderate rates;" and the governor was required to compel the planters duly to fulfil whatever engagements they might make with the company. He was further instructed to cause a law to be passed for restraining inhuman severity to slaves, and attaching a capital punishment to the wilful murder of them; and to take every means in his power to promote the conversion of these unhappy persons to the christian faith. *All printing was prohibited* in the province without a license from the governor. In all law-suits where the sum in dependence exceeded an hundred pounds, an appeal was admitted from the provincial courts to the governor and council; and when the sum exceeded two hundred pounds, a further appeal was competent to the privy council of England[2].

Administration of Lord Cornbury.

The instructions to Lord Cornbury contain reiterated intimations of the queen's sincere desire to promote peace, tranquillity, and contentment, among her American subjects; but this desire accorded as ill with the disposition and qualifications of the individual to whom she remitted its accomplishment, as her anxiety to mitigate the evils of slavery will be thought to do with her earnest endeavour to diffuse this mischievous institution more widely in her dominions. Of the character and conduct of Lord Cornbury we have already seen a specimen in the

[2] S. Smith, 220—261.

history of New York. If the people of New Jersey had less reason to complain of him, it was only because his avocations at New York compelled him generally to delegate his functions in the other province to a deputy; and because the votaries of his favourite institution, the church of England, were too few in New Jersey, and perhaps too honest and unambitious, to afford him the materials of a faction whose instrumentality he might employ in oppressing and plundering the rest of the community. His distinguished name and rank, his near relationship to the queen, and the advantage he derived from appearing as the substitute of a government which had become universally unpopular, gave him at first an influence with the people of New Jersey, which a man of greater virtue might have rendered highly conducive to their felicity, and a man of greater ability might have improved to the subjugation of their spirit, and the diminution of their liberty. But all the illusions that attended his outset among them were speedily dispelled by acquaintance with his character, and experience of his administration. From the period of his appointment till his deprivation of office, the history of New Jersey consists of little else than a detail of the miserable squabbles in which he involved himself with the colonial assemblies; and a picture of the spirit and resolution with which they resisted his arbitrary violence, condemned his partial distribution of justice, and exposed his fraudulent misapplication of the public money. After repeated complaints, the queen was compelled to sacrifice him to the universal indignation which he had provoked; but not till he had very effectually, though most unintentionally, contributed, by a wholesome discipline, to awaken and fortify a vigorous and vigilant spirit of liberty, in two of the colonies which were most immediately subjected to the influence of the crown. He was superseded, in 1709, by Lord Lovelace, who

BOOK VI.

was at the same time appointed his successor in the government of New York [3].

State of the colony.

The attractions which the neighbouring province of Pennsylvania presented to the English quakers, and the cessation which the British revolution produced of the severities that had driven so many protestant dissenters from both England and Scotland, undoubtedly prevented the population of New Jersey from advancing with the rapidity which its increase at one period seemed to betoken. Yet, at the close of the seventeeth century, the province is said to have contained twenty thousand inhabitants, of whom twelve thousand belonged to East, and eight thousand to West Jersey [4]. It is more probable that the total population amounted to about fifteen thousand persons. The great bulk of them were quakers, presbyterians, and anabaptists. The militia of East Jersey amounted, at this period, to 1,400 men. There were two church of England ministers in the province; but their followers were not sufficiently numerous and wealthy to provide them with churches [5]. New Jersey is said to have witnessed an unusually long subsistence of varieties of national character among its inhabitants. Patriotic attachment and mutual convenience had generally induced the emigrants from different countries to settle in distinct bodies; a circumstance which strongly promoted among them the preservation of their peculiar national manners and customs. Kalm, the traveller, has preserved a very agreeable picture of the manners and habits of his countrymen, the early Swedish colonists of New Jersey and Delaware. They seem to

[3] S. Smith, 275—352. "I confess," says Oldmixon, in the 2d edition of his work, "it gives me a great deal of pain in writing this history, to see what sort of governors I meet with in the plantations."

[4] Warden's estimate of the population is much lower. He says (ii. 42), that until the peace of Utrecht in 1713, the province never possessed more than 16,000 inhabitants. But his account of this province evinces great negligence and inaccuracy. Holmes (ii. 45) reports the population to have amounted to 15,000 in the year 1701.

[5] Oldmixon, i. 143, 4. 146.

have been less tenacious of their national peculiarities than the Dutch, and to have copied very early the manners of the English. Notwithstanding some symptoms of a turbulent and refractory disposition which were evinced by a portion of the East Jersey population during the subsistence of the proprietary government, a much more reasonable and moderate temper seems to have generally characterised the people of both parts of the united province; whereof a strong testimony is afforded in the harmony that attended their union by the act of the crown in 1702, and which even the policy of such a promoter of discord as Lord Cornbury was unable to disturb. Though separated from each other by differences of religious denomination, the inhabitants of the eastern and western territories were strongly assimilated by the habits of industry and frugality peculiar to the national character of the Scotch, and the sectarian discipline of the quakers; and the prevalence of these habits, doubtless, contributed to maintain tranquillity and harmony among the several races of people. Yet they were always distinguished by the steadiness and ardour of their attachment to liberty, and a promptitude to assert those generous principles which had been incorporated with the first foundation of political society in New Jersey. It is disagreeable to remember, that this manly appreciation of their own rights was not always accompanied with a proportionate consideration of the rights of others. Negro slavery was established in New Jersey; though at what precise period, or by what class of the planters, it was first introduced, I have not been able to ascertain. In spite of the royal patronage which we have beheld this baneful system receive, it never attained more than a very insignificant extent of prevalence throughout the territory. Even the quakers in this province, as well as in Pennsylvania, became

BOOK VI.

proprietors of slaves; but their treatment of them was always distinguished by a humanity that rendered slavery little else than a name; and so early as the year 1696, the quakers of New Jersey united with their brethren in Pennsylvania in recommending to the members of their own sect to desist from the employment, or at least from the farther importation, of slaves [6]. This interesting subject will demand more particular consideration in the history of Pennsylvania.

New Jersey had been for some time in possession of an increasing trade; but of its extent at this period no accurate estimate can be formed. Its exports consisted of agricultural produce (including rice), with which it supplied the West India islands; furs, skins, and a little tobacco for the English market; and oil, fish, and other provisions, which were sent to Spain, Portugal, and the Canary isles [7]. Blome, whose account of the American provinces was published in 1686, says, that the town of Burlington even then gave promise of becoming a place of considerable trade. The stateliness of the public edifices, and the comfort and elegance of the private dwellings that composed this town, are highly commended by a writer whose account of the province was published about ten years later than the work of Blome. It possessed already a thriving manufactory of linen and woollen cloth [8]. This manufacture, which was also introduced into Pennsylvania by some of the earliest colonists of this province, began so soon to excite the jealousy of the parent state, that in the year 1699

[6] Kalm's Travels, vols. i. and ii. Winterbotham, ii. 379. Warden, ii. 38. Clarkson's Hist. of the Abolition of the Slave Trade, i. 131. 136.

[7] Gabriel Thomas' Hist. of West New Jersey, 15. 33. Oldmixon, i. 141. Blome celebrates the excellence of the New Jersey tobacco.

[8] Blome, 86. G. Thomas, 15—17. Thomas, who was familiar with the grandeur of London, mentions, among other considerable edifices, "the great and stately palace" built and inhabited by a planter in the neighbourhood of Burlington. See Note XI.

an act of parliament was passed prohibiting the exportation of wool and woollen manufactures from the American colonies, under a penalty of five hundred pounds for each offence, in addition to the forfeiture of the ship and cargo [9].

It is alleged by some writers, that, till a very late period, the inhabitants of New Jersey evinced a general neglect of education, and indifference to all improvement in the arts of life, and particularly in their system of agricultural labour. This reproach is said to have been more especially merited by the descendants of the Dutch settlers. Yet the college of Princeton was founded so early as the year 1738; the people have always enjoyed a high reputation for piety, industry, economy, and good morals; and no community, even in North America, has witnessed a wider diffusion, among all classes of its inhabitants, of the comforts and conveniences of life [1]. It has been noted as a singular peculiarity in their manners, that women in this state have always engrossed a considerable share in the practice of the medical art, and, except in cases of great difficulty and importance, have been the only physicians whom the inhabitants have had recourse to [2].

It was a fortunate circumstance for the inhabitants of this province, that the Indian tribes in their neighbourhood were far from numerous, and were almost always willing to cultivate a friendly relation with the Europeans. The gravity, simplicity, and courtesy of quaker manners, seem to have been particularly

[9] Anderson's Hist. and Chronol. Deduct. of the Origin of Commerce, ii. 644.

[1] Winterbotham, ii. 382, 3. Warden, ii. 40. 48.

[2] Warden, ii. 50. Whether this usage was the effect or the cause of the remarkable healthiness of the people of New Jersey, will admit of a doubt. But it may be regarded as the symptom of a remarkable degree of respect for the female sex. Of this sentiment another very singular testimony was afforded even so late as the commencement of the nineteenth century, by a law which extended the elective franchise in New Jersey to women. The New Jersey women, however, showed themselves worthy of the respect of their countrymen, by generally declining to avail themselves of this preposterous proof of it.

BOOK VI.

acceptable to these savages. An historian of New Jersey has preserved an account of a visit paid by an old Indian king to the inhabitants of Burlington, in the year 1682. Being attacked with a mortal disorder, the old man sent for the heir of his authority, and delivered to him a charge replete with prudent and reasonable maxims. Thomas Budd, a quaker, and one of the proprietaries of the province, being present on this solemn occasion, "took the opportunity to remark, that *there was a great God who created all things; that he gave man an understanding of what was good and bad; and after this life rewarded the good with blessings, and the bad according to their doings.* The king answered, *It is very true, it is so; there are two ways, a broad and a strait way; there are two paths, a broad and a strait path; the worst and the greatest number go in the broad, the best and fewest in the strait path.* This king dying soon afterwards, was attended to his grave, in the quakers' burial-place in Burlington, with solemnity, by the Indians in their manner, and with great respect by many of the English settlers[3]."

In the year 1695, the governor's salary in East Jersey was £150; in West Jersey £200. In 1704, when these two provinces had been united into one state, a bill was passed for raising by tax £2000 per annum for the support of government[4]: but it does not appear what proportion of this sum was allotted to the governor.

[3] Oldmixon, i. 141. S. Smith, 148—150.
[4] S. Smith, 194. 284.

BOOK. VII.

PENNSYLVANIA AND DELAWARE.

BOOK VII.

PENNSYLVANIA AND DELAWARE.

CHAPTER I.

Birth and Character of William Penn.—He solicits a Grant of American Territory from Charles the Second.—Charter of Pennsylvania.—Object and Meaning of the Clauses peculiar to this Charter—English and American Opinions thereon.—Penn's Efforts to people his Territories.—Emigration of Quakers to the Province.—Letter from Penn to the Indians.—Penn's first Frame of Government for the Province.—Grant of Delaware by the Duke of York to Penn—who sails for America—his joyful Reception there.—Numerous Emigrations to the Province. First Legislative Assembly.—Pennsylvania and Delaware united.—Controversy with Lord Baltimore.—Treaty with the Indians.—Second Assembly—new Frame of Government adopted.—Philadelphia founded.—Penn's Return to England—and Farewell to his People.

CHAP. I.

Birth and character of William Penn.

WILLIAM PENN, so renowned as a patriarch and champion of the quakers, and a founder of civilized society in North America, was the son of that naval commander who, under the protectorate of Cromwell, enlarged the British dominions by the conquest of Jamaica. This was the first colony which had been acquired by the English arms. New York was the next: for Acadie, though conquered in the interim

BOOK VII.

by Cromwell's forces, did not then become an English settlement, and was surrendered by Charles the Second, soon after his restoration. It is another example of the strange concatenation of human affairs, that the second instance of the acquisition of a colony by the British arms, should have been the means of introducing the son of the first conqueror, as a quaker colonist and a preacher of peace, in America.

His father, who afterwards attained the dignity of knighthood, and the station of an admiral, was the descendant of a respectable English family. Devoting himself to the naval service of his country in the commencement of the civil wars, he embraced the cause of the parliament, and subsequently adhered to the fortunes of Cromwell. From an inferior rank in the service of these authorities, he was promoted to a dignified and important command, and enjoyed a considerable degree of favour with the Protector till the failure of the expedition which he conducted against St. Domingo. It is asserted very decidedly by some historians, and especially by all the quaker writers, that this disaster was occasioned by the fault of Venables, who commanded the land forces, and could not fairly be attributed to Admiral Penn: but Cromwell, who understood military affairs better than those writers can be supposed to have done, was so far from acquitting the admiral of blame, that he imprisoned him in the Tower, and never afterwards intrusted him with any public employ [1]. This circumstance, perhaps, contributed to the favour which he enjoyed at court after the Restoration; when he scrupled not to accept honour and employment from a government that stigmatized the service in which he had been previously engaged, by the insults it

1 Lord Clarendon's Life, p. 239. Holmes, i. 304.

heaped on the memory of Blake[2]. It is alleged by Bishop Burnet, that he obtained the friendship of the Duke of York, with whom he commanded at sea in the Dutch war of 1665, by enabling him to avoid a renewed action with the enemy's fleet, without having seemed to decline it. Other writers, and especially those who have embraced the tenets, or felt themselves interested in the fame of his son, have asserted that the admiral owed his favour with the king and the duke to no other recommendations than those of his eminent valour and abilities. He was impeached, in 1668, by the House of Commons, for embezzling prize money; but, from some unexplained circumstance, the impeachment was permitted to drop[3]. CHAP. I.

Whatever was the cause of the court favour which he enjoyed, it was so considerable as to authorise the most ambitious hopes of the advancement of his son, and proportionally to embitter his disappointment at beholding that son embrace a profession of faith which subjected him not only to official disability, but to the severity of penal law, the derision of courtiers, and the displeasure of the great. Young Penn's predilection for the quakers, first excited by the discourses of one of their itinerant preachers, was manifested so early, and with so much warmth, as to occasion his expulsion from the university of Oxford at

[2] In alluding to the history and character of his father, William Penn seems to have felt at once a natural sympathy with his republican honours, and an unwillingness to have him considered an associate of republicans, and antagonist of royalty. "From a lieutenant," says his son, "he passed through all the eminent offices of sea employment, and arrived to that of general about the thirtieth year of his age; in a time full of the biggest sea actions that any history mentions; and when neither bribes nor alliance, favour nor affection, but ability only could promote." He adds, however,—"He was engaged both under the parliament and king; but not as an actor in the domestic troubles; his compass always steering him to eye a national concern, and not intestine wars. His service, therefore, being wholly foreign, he may be truly said to serve his country, rather than either of these interests, so far as they were distinct from each other." Proud's Hist. of Pennsylvania, i. 21, 22. Oldmixon thus characterizes the admiral:—"He was a strong Independent, and so continued till the Restoration; when finding religion and liberty at the mercy of their enemies, he very quickly made his peace with King Charles and the Duke of York." Second edition, i. 296.

[3] Howell's State Trials, vi. No. 226.

BOOK VII.

the age of sixteen. His father endeavoured to prevail with him to abandon principles and manners so ill calculated to promote his worldly grandeur; and, finding his arguments ineffectual, resorted to blows, and even banished him from his home, with no better effect. Along with the peculiarities of quakerism, the young convert had received the first profound impression he had ever experienced of the truth and importance of Christianity; and both were for ever inseparably blended together in his mind. The treatment he received from his father, tended to fortify his conviction that quakerism was a revival of that pure and primitive Christianity which was fated to occasion the division of households, and the dissolution of the strongest ties of natural affection. The admiral, at length, devised a method of sapping the principles which he could not overthrow; and, for this purpose, sent his son to travel, with some young men of quality, in France, then the gayest and most licentious country of Europe. This device, which reflects little credit on the purity of that natural affection by which it was suggested, was attended with apparent success. Quakerism and Christianity were checked alike, for a time, in the mind of Penn, who returned to his gratified father with the manners of an elegant gentleman, and the sentiments of a man of pleasure[4]. But, having repaired, in the year 1666, to Ireland, to inspect an estate that belonged to his father in this country, it was here again his fate to meet with the same itinerant preacher who had impressed his mind so powerfully ten years before, at Oxford. His former sentiments were now revived, with deeper conviction and increased zeal and energy; and quickly produced a public, solemn, and resolute

[4] To reconcile this well-authenticated conduct of the admiral with the interest which quaker writers have evinced in defence of his reputation, it is necessary to remember, that he is said to have died a convert to quaker principles; and to have prophesied to his son that these principles, calmly and patiently supported, would finally triumph over all opposition. Proud. Clarkson.

expression of his adherence to the tenets and usages of the quakers. In vain were his father's instances once more repeated, and the temporal dignities which seemed only to wait his acceptance pressed with fond and pathetic earnestness on his regard. It was even in vain that the admiral, in despair, restricted his solicitation to such a slender compliance with the usages of the world, as that his son should uncover his head in the presence of the King, the Duke of York, and his parents. Penn's eye was now elevated to the contemplation of objects so glorious, that the lustre of earthly dignities grew dim before them; and his resolution (fortified by an early experience of imprisonment, and other legal severities) was wound up to such a pitch of firmness and intensity, that he refused to lay even a single grain of incense on what he deemed an unhallowed altar of human arrogance and vanity. He now devoted all the large resources of his capacity to the defence and propagation of the quaker tenets, and sacrificed his temporal ease and enjoyment to the illustration of the quaker virtues,—with a success that has gained for him a renown more illustrious and imperishable than the ambition of his father ever ventured to hope, or the utmost favour of his sovereign could have been able to confer. It would not be easy to figure a more interesting career than is exhibited in the greater portion of his subsequent life. He travelled over many parts of Europe, and even extended his personal labours to America: and every where, from the courts of German princes to the encampments of Indian savages, we find him overcoming evil by good, and disarming the wrath of man by gentleness, patience, and faith. In his exterior appearance and address, there were combined, in an unusual degree, a venerable dignity and gravity of aspect, with a frank cheerful simplicity of manner, and a style of expression fraught with plainness,

BOOK VII.

vigour, and good humour. His face was a very uncommon one, and its lineaments, though by no means fine, were far from unpleasing, and derived from their peculiarity something impressive and rememberable. With the general corpulence which his frame attained as he advanced in years, his countenance expanded to a considerable dimension; and while his eye expressed considerate thought, and strength of understanding, the amplitude and regularity of the rest of his features seemed to indicate a habitual tranquillity of spirit. A mind so contemplative, and a life so active; such a mixture of mildness and resolution; of patience and energy; of industry and genius; of lofty piety and profound sagacity, have rarely been exemplified in the records of human character. The most pious and the most voluminous, he was also, next to Robert Barclay, the most learned and ingenious writer in defence of quakerism; and, at the same time, next to George Fox, the most indefatigable minister that the quakers have ever possessed. He contrived to exhibit at once the active and passive virtues suitable to a champion and a confessor of quakerism; and the same prisons that were the scene of his patient suffering for the rights of his brethren, were also the scene of his most elaborate literary efforts for their instruction. Among other quaker peculiarities, his writings are distinguished by a tedious prolixity; yet not much more so than the productions of the most celebrated cotemporary authors. They abound with numerous passages replete alike with the finest eloquence and the most forcible reasoning, engaging benevolence, and fervent piety. He was deeply infected with the doctrinal errors of the quakers; yet more deeply embued with the spirit of the truth than many who profess to hold it devoid of such appendages; and, notwithstanding the tendency of these doctrinal

errors to lead those who have thoroughly embraced them into frantic and indecent excesses, there were none of the quaker leaders who contributed more signally than Penn to the establishment of a system of orderly discipline throughout the society. This was a work of such difficulty, and so repugnant to the sentiments of many who regarded discipline as an attempt to control the sovereignty, and obstruct the freedom of spiritual communication, that all the influence of Penn's character and address, and all the weight he derived from his labours and sufferings, were requisite to its success, and barely sufficed to effect it. Except George Fox, no other individual has ever enjoyed so much authority in this society, or realized so completely the character of a patriarch of the quakers. Though his principles excluded him from the official dignities which his father had coveted for him, they did not prevent him from attaining a remarkable degree of favour and consideration, both with Charles the Second and his successor; which he improved, to the utmost of his power, for the relief of the suffering members of the quaker society. Whatever were the services of the admiral, the claim which they were thought to infer was extended to his son; nor was its efficacy impaired by his visible influence over a numerous body of men, whose absolute renunciation of the rights of resistance and self-defence could not fail to interest the regards of arbitrary princes [5].

There exists, in all mankind, a propensity to unbounded admiration, arising from an indistinct glimpse and faint remaining trace of that image of infinite majesty and purity with which their existence connects them, and to which their nature once enjoyed a more ample conformity than it has been able

[5] Proud. i. Introduct. Clarkson's Life of Penn, i.

BOOK VII.

to retain. We may consider either as the expression of this sentiment, or the apology for indulging it, that anxiety to claim the praise of faultless perfection for the objects of our esteem, which may truly be thought to indicate a secret consciousness that it is only to excellence above the reach of humanity that our admiration can ever be justly due. This error has never been evinced in a more signal degree than by the biographers of Penn, and the historians of his labours and institutions in America. The unmixed and unmerited encomium which his character and labours have received, originated, no doubt, with the writers of his own religious persuasion; but, so far from being confined to them, it has been even exaggerated by writers of a totally different class, and whose seeming impartiality has contributed, in a remarkable degree, to fortify and propagate the illusion. The quakers have always enjoyed, with some infidel philosophers [6], a reputation which no other professors of Christianity have been permitted to share; partly because they were accounted the friends of unlimited toleration, and partly from an erroneous idea that their christian name was but a thin mystical covering, which veiled the pure and simple light of reason and philosophy from eyes yet too gross to receive it. Refusing to define their doctrinal tenets by a creed, and having already evacuated, by allegorical interpretation, some of the plainest precepts of the gospel, the quakers were expected, by their philosophical panegyrists, to pave the way for a total dissolution of Christianity, by gradually allegorizing the whole of the Scriptures. By the united efforts of these several tributaries to his fame, William Penn has been presented to the eyes of mankind as a character nearly, if not entirely, faultless; as the author of institutions

[6] Among others, Voltaire, Diderot, Raynal, Mirabeau, and Brissot.

not less admirable for their wisdom than their originality, and not less amply than instantaneously productive of the gratitude and happiness of mankind[7]. How exaggerated is this picture of the merit and the effects of his institutions, will appear but too clearly from the following pages. That the dazzling light with which his character has been invested, was sullied with the specks of mortal imperfection is also a truth which it is more easy than agreeable to demonstrate. But excellence, the more credibly it is represented, is the more effectually recommended to human imitation: and those who may be conscious of such infirmities as William Penn evinced, receive an important lesson when they are taught that these imperfections neither inevitably obstruct, nor satisfactorily apologise for, deficiency of even the most exemplary virtue.

In the commencement of his career, Penn evinced, towards his oponents, an arrogance of disdain, and a coarseness of vituperation, very little consistent with the mildness of quaker manners, or even with common decency and propriety[8]. It redounds to his credit that he corrected this fault, and graced his wisdom by an address replete with courtesy and kindness. But another change which his disposition appears also to have undergone, presents him in an aspect which it is less agreeable to contemplate. Recommended to Charles the Second and his successor, by a hereditary claim of regard, by the principles of passive obedience, which, as a quaker, he

[7] See Note XII.

[8] In the prefatory address which he prefixed to his account of his celebrated trial at the Old Bailey, for preaching at a conventicle, he makes use of this very unquaker expression. "*Magna Charta* is *magna* ——— with the recorder of London." Those who are unable to conjecture the ribaldry which I forbear to transcribe, may consult the preface itself, which is reprinted in Howell's State Trials, vol. vi. p. 953. Penn had no objection to a little pleasantry. An adversary of the quakers having published an attack on them, entitled "The Quaker's last Shift found out," Penn answered it by a work bearing the ludicrous title of "Naked Truth needs no Shift." Clarkson's Life of Penn, i. 155.

BOOK VII.

professed, and as a writer he contributed widely to disseminate, and by the willingness with which he and his fellow sectaries alone, of all the British protestants, recognized the royal prerogative of suspending laws, he was admitted to a degree of favour and intimacy with these perfidious and tyrannical princes, which laid a dangerous snare for the integrity of his character and the rectitude of his conduct. It was natural that he and his friends, oppressed by the parliamentary enactments, should regard with more favour the arbitrary power which was frequently interposed for their relief, than the constitutional authority which was directed to their molestation. But none of the other protestant dissenters beheld otherwise than with disgust, the boon of a temporary mitigation of legal rigour, which implied a power in the crown subversive of every bulwark of British liberty. As the political agent of his society, cultivating the friendship of a tyrant, and seeking a shelter under his power from the laws, Penn occupied a situation regulated by no ordinary duties or ascertained principles[9]: and becoming gradually familiarized with arbitrary power, he scrupled not to beseech its interposition in the behalf of his own private concernments, and to employ, for the enlargement of his American territory, at the expense of the prior right of Lord Baltimore, the same authority which he had accustomed himself to respect as an engine of public good and religious toleration. Dazzled, rather than corrupted, by royal favour and confidence, he beheld nothing in the character of the princes that reproved his friendship with them, or prevented it from becoming even more intimate and confidential,

9 That Penn did not acknowledge the same duties, as a political character, which he prescribed to himself as a quaker, appears from his withdrawing from a state warrant that was issued for his imprisonment on a political charge by King William (Proud, i. 348—350.)—an evasion which he never stooped to, when he was persecuted for his religious practices.

when their tyrannical designs were already fully developed, their characters unmasked to every other eye, and the hands from which he solicited favours were embrued with the blood of men whom he had loved as friends, and reverenced as the most illustrious characters in England. While as yet the struggle between the popular leaders and the abettors of arbitrary power had not terminated in favour of the crown, Penn appeared to participate in the sentiments that were cherished by the friends of liberty. He addressed his applications for repeal of the penal laws against dissenters, to the house of commons; he attached himself to Algernon Sidney, and endeavoured to promote his election in a contest with a court candidate for the borough of Guildford [1]; and we have seen how he concurred in the magnanimous vindication of the rights of West Jersey against the encroachments of the Duke of York. Yet when the cause of liberty seemed for ever to have sunk beneath the ascendancy of royal prerogative, he applied to the crown for the relief which he had already practically recognized as the province of the parliament; he beheld his friend Sidney butchered on the scaffold without any interruption of cordiality between himself and the court; and when James the Second committed a far greater outrage on the rights of Magdalen college of Oxford than the encroachment he had attempted on the liberties of New Jersey, Penn's advice to the fellows of the college was to appease the king by concessions for their past conduct, which, at the same time, he acknowledged to have been honourable and praiseworthy [2]. Nay, as if to render the change of his disposition still more eminently conspicuous, he concurred with the other proprietaries of East Jersey in tamely surrendering

[1] Clarkson, i. 102. 246. [2] Ibid. cap. 23.

BOOK VII.

the liberties of this province to the same prince, against whom, when supported by the spirit of better times, he had so strenuously defended the liberties of its sister colony. Penn was present at the execution of Mrs. Gaunt, an aged lady, renowned for her piety and charity, who was burnt alive for having given shelter to a person in distress, whom she knew not at the time to have been a fugitive from the rebel army of the Duke of Monmouth; and at the execution of Alderman Cornish, who was hanged before the door of his own house, for a pretended treason, of which nobody believed him to be guilty [3]. The only sentiment that he is reported to have expressed, on this occasion, was that "*the king was greatly to be pitied* for the evil counsels that hurried him into so much effusion of blood [4]." When it is considered that, after all this, Penn's eyes were not opened [5] to the real character of James, and, on the contrary, his friendship with the barbarous tyrant continued to subsist, and even to increase, till the very last; it seems by no means surprising that his contemporaries should have generally regarded him as a secret abettor of all the monarch's designs for the establishment of popery and the destruction of liberty. It was perhaps fortunate for his fame that the public displeasure vented itself in this injustice; the detection of which has contributed to shelter him even from the milder but more merited censure of an infatuated credulity, fortified by the vanity of supposing that he would ultimately render the royal authority entirely

[3] Clarkson, i. 448. [4] See Note XIII.

[5] He published a book in favour of the king's attempts to establish toleration, even after James had so far disclosed his real views as to have thrust papists into the government of the university of Oxford. He had recently before undertaken a secret embassy from the king to the Prince of Orange, in the hope of prevailing with the prince to give his sanction to the measures in behalf of toleration. Clarkson, i. 474. 509.; ii. 5. Though unable to discern the designs of the king, he had not always been equally insensible to the dangers of popery; and in the days of his patriotic fervour, had written a pamphlet to animate the national rage against the pretended *popish plot*. Ibid. i. 246.

subservient to the accomplishment of his own religious and philanthropic views.

The character of William Penn has not escaped the charge of ambition[6]—a charge which admits of such variety of signification, that perhaps no human being was ever absolutely exempt from it. Assuredly, he was neither conscious nor susceptible of that vile and vulgar ambition that courts a personal distinction and elevation derived from the depression and impoverishment of mankind. Of the desire to derive a reflected lustre from the happiness and improvement which others might owe to him, it is neither so easy nor so desirable to absolve him. Nor, perhaps, was he wholly exempt from the influence of a temptation which this refined ambition is very apt to beget—the desire of magnifying and extending the power by which such benefits might continue to be conferred by himself and his posterity. William Penn, among the quakers, and that no less estimable man, John Wesley, among the methodists, have not been the only benefactors of the human race, who, confident of their good intentions, and habituated to power, have seemed to covet it somewhat too eagerly as a peculiarly efficient instrument of human welfare. But it is time to proceed from these prefatory observations on the character of this illustrious man, to a consideration of that portion of his life, which is identified with the rise of Pennsylvania and the history of Delaware.

The circumstances that first attracted the attention of Penn to the colonization of North America, have already been unfolded in the history of New Jersey. While he was engaged with his quaker associates in

[6] An acute, but very partial writer, has characterised him as "a man of great depth of understanding, attended by equal dissimulation; of extreme interestedness, accompanied with insatiable ambition; and of an address in proportion to all these." Chalmers, 635. Jedediah Morse, the American geographer, has expressed an opinion equally unfavourable of the character of Penn.

BOOK VII.

administering the goverment of that territory, he received such information of the fertility and resources of the country situated to the westward of the Delaware, as inspired him with the desire of acquiring a separate estate in this quarter. For this purpose he presented a petition to Charles the Second, stating his relationship to the deceased admiral, and his claim for a debt incurred by the crown to his father, when Shaftesbury's memorable device was adopted, of shutting the exchequer; soliciting, on these accounts, a grant of land to the northward of Maryland, and westward of the Delaware; and adding, that by his interest with the quakers, he should be able to colonize a province, which might, in time, not only extinguish his claims, but enlarge the British empire, augment its trade, and promote the glory of God by the civilization and conversion of the Indian tribes[7]. This petition was referred to the Duke of York and Lord Baltimore, that they might report how far its object was compatible with their prior investitures. Both signified their acquiescence in Penn's demand, provided his patent should be so worded as to preclude any encroachment on their territories; and the Duke of York added his recommendation of the petition to the favour of the crown. Successful thus far, Penn transcribed from the charter of Maryland, the sketch of a patent in his own favour: but the attorney-general, Jones, to whose opinion it was remitted, declared, that certain of the clauses were "not agreeable to the laws here, though they are in Lord Baltimore's patent," and, in particular, pronounced that the exemption from British taxation, which Penn had proposed to confer on his colony, was utterly illegal. Compton, Bishop of London, at

June, 1680. He solicits a grant of American territory from Charles the Second.

November.

[7] In a letter to a friend, about the same time, he declares his purpose in the acquisition of American territory to have been "so to serve the truth and people of the Lord, *that an example may be set to the nations:*" adding, "there may be room there, though not here, for such an *holy experiment.*" Proud, i. 169.

the same time, understanding that Penn, in soliciting his patent, had described himself as the head of the quakers, interposed in the proceedings, for the protection of the interests of the church of England. After some discussion of the points that had thus arisen, the committee of plantations requested chief-justice North, a personage of considerable eminence, both as a statesman and a lawyer, to undertake the revision of the patent, and to provide, by fit clauses, for the reservation of the king's sovereignty, and the observance of acts of parliament. With his assistance, there was prepared an instrument which received the royal confirmation, and afterwards acquired so much celebrity as the charter of Pennsylvania[8].

1680. Jan. 1681. March.

By this charter, which professed to be granted in consideration of "the merits of the father, and the good purposes of the son," there was conferred on William Penn, and his heirs and assigns, that vast region bounded on the east by the river Delaware; extending westward five degrees of longitude; stretching to the north from twelve miles northward of Newcastle (in the Delaware territory) to the forty-third degree of latitude; limited on the south by a circle of twelve miles drawn round Newcastle to the beginning of the fortieth degree of latitude. Penn was constituted the absolute proprietary of the whole of this territory, which was erected into a province by the name of Pennsylvania[9], and was to be held in

Charter of Pennsylvania.

[8] Oldmixon, i. 149, 150. Proud, i. 169—171. Chalmers, 635, 636. Dillwyn (see Note XII.) *apud* Winterbotham, ii. 289. Both Oldmixon (who was a personal friend of Penn) and Mr. Clarkson have asserted that Penn's efforts to obtain his charter were greatly obstructed by his profession of quakerism. Of this I can find no evidence at all. Penn himself, writing to the lords of trade in 1683, says, "I return my most humble thanks for your former *favours in the passing of my patent*, and pray God reward you." Chalmers, 666.

[9] Penn's account of this denomination is creditable to his modesty. Finding that the king proposed that the name of Penn should form a part of the appellation of the province, he requested leave to decline an honour that might be imputed to his own vanity, and proposed the name of New Wales, which was opposed by the under secretary of state, who was a Welshman. Penn then suggested Syl-

BOOK VII.

1681.

free and common soccage by fealty only, paying two bear skins annually, and one-fifth of all the gold and silver that might be discovered to the king. He was empowered to make laws, with the advice and assent of the freemen of the territory assembled, for the imposition of taxes and other public uses, but always in conformity to the jurisprudence of England; to appoint judges and other officers; and to pardon and reprieve, except in the cases of wilful murder and high treason. In these cases, reprieve might be granted only till the signification of the pleasure of the king, to whom there was also reserved the privilege of receiving appeals. The distribution of property, and the punishment of felonies, were to be regulated by the laws of England, until different ordinances should be enacted by the proprietary and freemen. Duplicates of all the provincial laws were to be transmitted to the privy council, within five years after they were passed; and if not declared void by the council within six months after transmission, they were to be considered as having been approved of, and to become valid ordinances. That the colony might increase by resort of people, liberty was given to English subjects (those only excepted who should be specially forbidden) to remove to and settle in Pennsylvania; and thence to import the productions of the province into England, "but into no other country whatsoever," and to re-export them, within one year, paying the same duties as other subjects, and observing the acts of navigation. The proprietary was empowered to divide the province into towns, hundreds, and counties; to erect and incorporate towns into boroughs, and boroughs into

vania, on account of its woody surface; but the king declared that the nomination belonged to him, and that, in honour of Admiral Penn, the last suggested name should be enlarged into Pennsylvania. Clarkson, i. 279.

cities; and to constitute ports for the convenience of commerce, to which the officers of the customs were to have free admission. The freemen in assembly were empowered to assess reasonable duties on the commodities loaded or unloaded in the harbours of the colony; and these duties were granted to Penn, with a reservation, however, to the crown of such customs as then were, or in future might be, imposed by act of parliament. He was to appoint, from time to time, an agent to reside in or near London, to answer for any misdemeanour he might commit against the laws of trade and navigation; and in case of such misdemeanour, he was to make satisfaction within a year; in default of which the king was to seize the government of the province, and retain it till due satisfaction were made. He was not to maintain correspondence with any king or power at war, nor to make war against any king or power in amity, with England. In case of incursion by neighbouring barbarians, or by pirates or robbers, he had power to levy, muster, and train to arms all the inhabitants of the province, and to act as their captain-general, and to make war on and pursue the invaders. He was enabled to alienate the soil to the colonists, who might hold their lands under his grants, notwithstanding the English statute prohibiting such subinfeudations. It was stipulated by the king for himself and his successors, "that no custom or other contribution shall be levied on the inhabitants or their estates, unless by the consent of the proprietary, or governor and assembly, *or by act of parliament in England.*" It was provided (in compliance with the desire of Bishop Compton) that if any of the inhabitants, to the number of twenty, should signify their desire to the Bishop of London to have a preacher sent to them, the preacher so appointed by that dignitary should be allowed to reside and

CHAP. I. 1681.

BOOK VII.

1681.

perform his functions without denial or molestation. If any doubt should arise with regard to the true construction of the charter, it was commanded that an interpretation favourable to the proprietary should always be made; with the exclusion, however, of any thing that might derogate from the allegiance due to the crown [1].

Such is the substance of a grant on which was established the fabric of the Pennsylvanian government and laws, so renowned for their wisdom, their moderation, and the excellence of their provisions in favour of liberty. The cautious stipulations for guarding and ascertaining the British ascendancy, by which this charter was distinguished from all preceding patents, were manifestly the offspring of the disputes in which the court had been for some time engaged with the colony of Massachusetts. There, the provincial government had deemed the acts of navigation inoperative within its jurisdiction, till they were legalized by its own ordinance. But the immediate and uninterrupted observance of them in Pennsylvania, was enforced by the stipulated penalty of a forfeiture of the charter. Laws had been passed in Massachusetts for the coining of money and other purposes, which were deemed inconsistent with the prerogative of the sovereign state. For the prevention of similar abuse, or, at least, the correction of it, before inveterate prevalence could have time to beget habits of independence, it was required that all the laws of the new province should be regularly transmitted to England for the royal approbation or dissent. The inefficacy of this requisition was very soon made apparent. To obviate the difficulty

Object and meaning of the clauses peculiar to this charter.

[1] Proud, i. 171. 187. Chalmers, 638. 657. "It is remarkable," says Dr. Franklin, in his Historical Review of the Constitution of Pennsylvania, "that such an instrument, penned with all the appearance of candour and simplicity imaginable, and equally agreeable to law and reason, to the claims of the crown and the rights of the subject, should be the growth of an arbitrary court. Perhaps it is no less singular, that the national rights, the authority of the laws, and of the supreme legislature, should have been so carefully attended to and preserved."

that had been experienced by the English government in conducting its disputes with the people of Massachusetts, who could never be prevailed with to accredit an agent at the court, without the utmost reluctance and delay, it was now required that a standing agent should be appointed to reside in London, and be responsible for the proceedings of his colonial constituents. But the most remarkable provision, by which this charter was distinguished from all the other American patents, was that which expressly reserved a power of taxation to the British parliament. Of the import of this much agitated clause, very different opinions were entertained from the first, by the lawyers and statesmen of England, and the colonists of Pennsylvania. In England, while it was denied that the novel introduction of such a clause into the charter of this province afforded to any of the other colonies an argument against parliamentary taxation, it was with more appearance of reason maintained that its actual insertion in this charter precluded even the possibility of an honest pretension to such immunity on the part of the Pennsylvanians. Of the very opposite ideas, however, that were entertained on this subject by the colonists, an account was rendered about a century afterwards by Dr. Franklin in his celebrated examination, as the representative of America, at the bar of the British House of Commons. Being asked, how the Pennsylvanians could reconcile a pretence to be exempted from taxation, with the express words of a clause, reserving to parliament the privilege of imposing this burden upon them; he answered, "They understand it thus:—By the same charter[2] and otherwise, they are entitled to all the privileges and

English and American opinions thereon.

2 This is a mistake. The Pennsylvanian charter differs from all the others in not communicating an express assurance to the colonists of the rights and character of Englishmen. The reason for this omission is said by Chalmers (p. 639) to have been, that the eminent lawyers, who prepared the charter, considered such declarations as superfluous, and their import sufficiently inferred by law.

BOOK VII. 1681.

liberties of Englishmen. They find in the great charters, and in the petition and declaration of rights, that one of the privileges of English subjects is, that they are not taxed but by their common consent; they have, therefore, relied upon it *from the first settlement of the province*, that the parliament never would nor could, by colour of that clause in the charter, tax them till it had qualified itself to exercise such right, by admitting representatives from the people to be taxed[3]." That this reasoning was not (as some have suggested) the mere production of Franklin's own ingenuity, nor even the immediate growth of the era of American independence; but that it expressed the opinion of the earliest race of the Pennsylvanian settlers, is a point susceptible of the clearest demonstration. From the official correspondence between the royal functionaries in America and the court of London, it appears that before the Pennsylvanians had existed as a people for seventeen years, the English ministry were apprised of the general prevalence of these sentiments among them; and in the work of a contemporary historian of this province, who derived his ideas with regard to it from the communication of Penn himself, the right of the colonists to elect representatives to the British parliament is distinctly asserted[4]. It was only in the year preceding the date of the Pennsylvanian charter, that Penn, in reclaiming for the colonists of New Jersey the exclusive right of imposing taxes on themselves, had protested that no reasonable men would emigrate from England to a country where this right was not to be enjoyed; and, as the argument which he maintained on that occasion, was founded entirely on general principles, and what he regarded as the constitutional rights inseparable from the character of English subjects, without re-

[3] Memoirs, &c. of Franklin (London Edit. 1818,) vol. ii. Append. No. iv.
[4] See Note XIV.

ference to any peculiarities in the charter of New Jersey, it seems highly improbable that he believed the clauses peculiar to his own charter to admit of an interpretation that would have placed his favourite province beyond the pale of the English constitution, and deterred reasonable men from resorting to it. We must either believe him to have entertained the same opinion on this point, that appears to have been prevalent among the colonists of his territory, or adopt the illiberal supposition of an historian[5], who charges him with making concessions, in theory, which he never intended to substantiate in practice.

Penn's efforts to people his territories.

Having obtained this charter, to which the king gave additional authority, by a royal letter, commanding all intending planters in the new province to render due obedience to the proprietary, the next care of Penn was to attract a population to his vacant territory. To this end, he published an account of the soil and resources of the province, together with advices to those who were inclined to become adventurers, and a sketch of the conditions on which he was willing to deal with them. The advices are almost precisely the same with those which he had previously addressed to the intending emigrants to West Jersey; and enjoin all persons, who were deliberating, to have an eye, above all things, to the providence of God; to balance present inconvenience with future ease and plenty; and to obtain the consent of their near relations, that natural affections might be preserved, and a friendly and profitable correspondence between the two countries maintained. It was intimated to all, who were disposed to become planters, that land would be sold at the price of forty shillings, for a hundred

5 Chalmers,—who, in corroboration of his opinion, remarks that not one of the laws and constitutions, enacted by Penn, or under his auspices, was ever submitted, according to the terms of the charter, to the English court.

BOOK VII.

1681.

acres, together with a perpetual quit-rent of a shilling. It was required that, in disencumbering the ground of wood, care should be taken to leave one acre of trees for every five acres cleared, and especially to preserve oaks and mulberries, for the construction of ships and the manufacture of silk. It was declared, that no planter would be permitted to overreach or otherwise injure the Indians, or even to avenge, at his own hands, any wrong he might receive from them; but that, in case of disputes between the two races, the adjustment of them should, in every instance, be referred to twelve arbitrators, selected equally from the Europeans and the Indians. The reservation of quit-rents, in addition to the payment of a price, which proved ultimately so fertile a source of discord between the proprietary family and the colonists, was the only feature in this scheme that appeared objectionable to the religious fraternity, of which Penn was a member[6]; but his influence among them was so great, and his description of the province so inviting, as more than to outweigh this disagreeable and unexpected requisition. Numerous applications for land were speedily made by persons, chiefly of the quaker persuasion, in London, Liverpool, and especially in Bristol, where one trading association alone became the purchasers of twenty thousand acres of the territory, and prepared for embarking in various branches of commerce related to their acquisition. The prospect thus afforded of an early replenishment of his province, enforced the immediate attention of Penn to the form and fabric of its political constitution; in the composition of

[6] The apology suggested by Mr. Clarkson for this imposition, that "Whereas William Penn held of the king, by a small annual rent, others were obliged to hold of him in the same manner," (Life of Penn, i. 282,) is quite unsatisfactory. It was merely an elusory duty to the crown, to which Penn was subjected, for the whole province. He would have gained both in character and happiness, if he could have avoided to mingle the acquisition of a private estate with the purpose of making a *holy experiment, and sctting an example to the nations.*

which, there could be room for little other labour than the exercise of a judicious selection from the admirable theoretical models, which had employed the pens, and exhausted the invention, of contemporary writers, and the excellent institutions, by which the several proprietaries of American provinces had vied with each other for the approbation of mankind, and the attraction of inhabitants to their vacant territories. In undertaking an employment so congenial to his disposition, as the work of legislation, Penn appears to have been impressed with equal confidence in the resources of his capacity and the rectitude of his intentions, and touched at the same time with a generous sense of the value of those interests that were involved in his labours, and the expanse of liberty and happiness that might result from them. "As my understanding and inclinations," he declared, "have been much directed to observe and reprove mischiefs in government, so *it is now put into my power to settle one.* For the matters of liberty and privilege, *I purpose that which is extraordinary*, and leave myself and successors no power of doing mischief, that the will of one man may not hinder the good of a whole country." The liberal institutions that arose shortly after in Pennsylvania, and the happiness of which they were so abundantly productive, attested the sincerity and rewarded the virtue of this magnanimous design; while the partial disappointment which it sustained, and particularly the mischief and dissension that arose from the power that was actually reserved to the proprietary and his successors, forcibly exemplified the infirmity of human purpose, and the fallacy incident to all human expectations.

As several of the purchasers of land, in their eagerness to commence the new settlement, were prepared to embark before Penn had yet completed his legislatorial composition, it was necessary that they should

BOOK VII.

1681.

be previously acquainted with the purport of a work of so much concern to their interests. A rough sketch of its principal features was accordingly prepared and mutually signed by the proprietary and these adventurers, who being now assured of unlimited toleration[7], and satisfied with the structure of the political constitutions, no longer hesitated to bid adieu to a scene of tyranny, contention, and persecution, and set sail in quest of freedom and repose for Pennsylvania. Three vessels from London and Bristol carried out these first Pennsylvanian settlers, and along with them, Colonel William Markham, the kinsman and secretary of Penn, who had also appointed him deputy-governor; and certain commissioners who were appointed to confer with the Indians respecting the purchase of their lands, and to endeavour to form with them a league of perpetual peace. These commissioners were solemnly enjoined to treat the Indians with all possible candour, justice, and humanity, and were made the bearers of a letter from Penn to them, accompanied by suitable presents. The Indians were given to understand by the letter of Penn, that the great God and Power who had created all men and commanded them to love and do good to one another, had been pleased to make a connexion between Penn and America; that the King of England had bestowed on him a province there, but that he desired to enjoy it with the goodwill and consent of the Indians; that many evil disposed Europeans, he was aware, had used the Indians very ill, but that he was a person of different

May. Emigration of quakers to the province.

Letter from Penn to the Indians.

[7] It detracts not from the wisdom of Penn, but merely from the accuracy of those writers who have deemed originality indispensably requisite to the praise of virtue, that this equitable principle of toleration had been already realised in America by Lord Baltimore and the catholics of Maryland, and employed as a politic device by Lord Clarendon and his associates in Carolina, and by Lord Berkeley and Sir George Carteret in New Jersey. Mr. Clarkson is the only historian of Penn who has conceded to Lord Baltimore the honour of originating toleration in America.

disposition, and bore great love and regard to them; that the people he now sent among them were similarly disposed, and wished to live with them as neighbours and friends. CHAP. I. 1681.

Markham, at the head of one of these detachments of adventurers, proceeded, on his arrival in America, to take possession of an extensive forest, situated twelve miles northward of Newcastle on the western side of the Delaware, whose waters contributed with other streams of lesser note to the salubrity of the air and the fertility of the soil. As this situation enjoyed the advantages of a settled neighbourhood on the south and east, the colonists were not embarrassed with the difficulties which depressed so many of their predecessors in similar pursuits; and, animated with hope and a spirit of steady activity, they set themselves diligently to prepare for the reception of the numerous emigrants who were expected to join them in the following year. Greater hardships were endured by another detachment of the first adventurers, who, arriving later in the season, went on shore at the place where Chester now stands; and the river having suddenly frozen before they could resume their voyage, were constrained to pass the remainder of the winter there. A discovery was now made by Colonel Markham which had a material influence on the future proceedings of Penn, who had hitherto supposed that the whole of the Delaware territory except the settlement of Newcastle and its appendages (occupied by the Duke of York as a dependency of his own province of New York), was really included in the Pennsylvanian charter—a supposition which he seems to have entertained with a great deal of satisfaction. For he was aware that this territory already contained a number of Swedish and English settlers; and though doubtless he proposed to people his domain chiefly with quakers,

August.

October.

BOOK VII.

1681.

it was far from undesirable to obtain for himself an immediate accession of tributaries, and for his people a social connexion with a race of hardy settlers already enured to colonial life and habits. He knew that Lord Baltimore claimed the allegiance of a number of those settlers whose plantations he supposed to be included within the domain of Pennsylvania, and had instructed Markham to demand from that nobleman a relinquishment of his pretensions. Markham accordingly applied to the proprietary of Maryland, and eagerly accepted his proposal to compare the titles of the two provinces and adjust their boundaries: but discovering very speedily that Penn had in reality no other claim than what might be derived from the confused designation which his charter had given to the limits of his province, and that a literal construction of Lord Baltimore's prior charter, where the limits were indicated with great precision, would evacuate at once the pretensions both of Penn and the Duke of York, he declined all further conference, and acquainted Penn with a discovery that threatened so much obstruction to his views [8].

April, 1682. Penn's first frame of government for the province.

In the spring of the following year, Penn completed and delivered to the world a composition of much thought and labour, entitled "*The Frame of the Government of the Province of Pennsylvania.*" It was introduced by a noble preface containing his own thoughts on the origin, nature, and objects of government; wherein he deduces from various texts of Scripture the derivation of all power from God, the utter unlawfulness of resisting constituted authority, and, in short, "*the divine right of government*, and that for two ends; first, to terrify evil doers, secondly, to cherish those that do well; which," he continues, "*gives government a life beyond corrup-*

[8] Proud, i. 188—196. Chalmers, 640, 1. 657. Clarkson, i. cap. 17.

tion, and makes it as durable in the world as good men shall be, so that *government seems to me a part of religion itself*, a thing sacred in its institution and end." "They weakly err," he afterwards observes, "who think there is no other use of government than correction, which is the coarsest part of it." Declining to pronounce any opinion on the comparative merit of the various political models which had been adopted by states or suggested by theorists, and remarking that not one of these had ever been realised without incurring some alteration from the lapse of time or the emergency of circumstances, he advances this position, that "any government is free to the people under it, whatever be the frame, where the laws rule and the people are a party to these laws; and more than this is tyranny, oligarchy, or confusion." "Governments," he insists, "rather depend upon men, than men upon governments. *Let men be good, and the government cannot be bad.* If it be ill, they will cure it. But if men be bad, let the government be never so good, they will endeavour to warp and spoil it to their turn. I know some say, 'Let us have good laws, and no matter for the men that execute them.' But let them consider that though good laws do well, good men do better; for good laws may want good men, and be invaded or abolished by ill men; but good men will never want good laws nor suffer ill ones[9]. *That, therefore, which makes a good constitution, must keep it; namely, men of wisdom and virtue; qualities that, because they descend not with worldly inheritances,*

[9] How they could refuse to suffer bad laws, under a frame of government that excluded them from a share in legislation, is a difficulty which he has not undertaken to solve, and which, indeed, his general anathema against all resistance to constituted authority renders perfectly insoluble. It is true that he reproaches a government so framed with the character of tyranny; but this reproach merely gives additional sanction to discontent, without giving any to resistance. In order to harmonise his religious with his political creed, we must regard the forms which he depreciates, as essential to the efficacy of the virtues which he exalts with exclusive praise.

BOOK VII.

1682.

must be carefully propagated by a virtuous education of youth." In conclusion he declares that "We[1] have, with reverence to God and good conscience to men, to the best of our skill contrived and composed the frame of this government to the great end of all government, *to support power in reverence with the people, and to secure the people from the abuse of power, that they may be free by their just obedience, and the magistrates honourable for their just administration; for liberty without obedience is confusion, and obedience without liberty is slavery.*" This production, which will always command respect for its intrinsic merits, excited the greater interest at the time from its being regarded as the political manifesto of the party that had now become the most numerous and powerful among the quakers, and whose ascendancy continued gradually to increase till at length the whole society, by dint of conversion or expulsion, was moulded to a conformity with its opinions. Another party still existed, but was daily diminishing, which regarded with equal aversion the establishment of sectarian discipline, and the recognition of municipal government as a legitimate ordinance. The adherents of this party were willing to forbear from all forcible resistance to human violence; but were no less resolutely bent against any voluntary co-operation with human authority; and reproached the rest of their brethren with degenerating from original quaker principles, and substituting a servile obedience to the dead law without, in place of a holy conformity to the living law within.

By the frame which followed this preface, it was declared that the government of the province should be administered by the proprietary or his deputy as governor, and by the freemen formed into two sepa-

[1] Some of the planters had cooperated with Penn in the composition of the frame.

rate bodies of a provincial council and a general assembly. The council was to be elected by the freemen, and to consist of seventy-two members, of whom twenty-four were annually to retire, and be replaced by the same number of new ones. Here the governor was to preside, invested with no other control than a treble vote. Thus composed, the council was to exercise not only the whole executive power, but the peculiar privilege which had been annexed to the functions of the same state organ in the Carolinian constitutions [2], of preparing all the bills that were to be presented to the assembly. Not less than two-thirds of the members of council were necessary to make a quorum; and the consent of two-thirds of such quorum was indispensable in all matters of moment. The general assembly was to consist, the first year, of all the freemen; the next, of two hundred elected by the rest; and afterwards to be augmented in proportion to the increase of population. This body was not permitted to originate laws, but was restricted to a simple assent or negation in passing or rejecting the bills that might be sent to them by the governor and council. They were to present sheriffs and justices of the peace to the governor; naming double the requisite number of persons, for his choice of half. They were to be elected annually; and all elections, whether for the council or the assembly, were to be conducted *by ballot*. Such was the substance of the charter or frame of government, which was further declared to be incapable of alteration, change, or diminution in any part or clause, without the consent of the proprietary

[2] Penn boasted that his legislative production excelled the performance of Locke: yet here he seems to have copied from it a very illiberal feature; doubtless with some improvement, inasmuch as the Carolinian council, which exercised this restriction of the topics to be discussed by the general assembly, was far less liberally constituted than the council of Pennsylvania. Penn had more occasion to boast the superior excellence than the better fate of these constitutions, which enjoyed even a shorter duration than the project of Locke.

BOOK VII.

1682.

or his heirs, and six parts in seven of the freemen both in the provincial council and general assembly. The mode of election *by ballot*, which has since become so general in North America, was first introduced there by the puritans, and subsequently adopted by quaker legislation—by which we have seen it established in New Jersey, and now transferred to Pennsylvania. This latter repetition of the experiment proved very unsatisfactory. The planters soon declared that they felt it repugnant to the spirit of Englishmen, to go muzzled to elections; that they scorned to give their opinions in the dark; that they would do nothing which they durst not own; and that they wished the mode of election to be so constituted as to show that their foreheads and their voices agreed together. In consequence of these objections, Penn, perceiving (says Oldmixon) that the perfection of his institutions was not in accordance with the imperfect nature of human beings, consented to assimilate the Pennsylvanian to the English mode of election.

To the frame, there was appended a code of forty conditional laws which were said to have been concerted between the proprietary and divers of the planters before their departure from England[3]; and were to be submitted for confirmation or modification to the first provincial assembly. This code is a production very superior to the constitutional frame, and highly creditable to the sense, the spirit, and the benevolence of its authors. Among other regulations propounded in it, it was declared that the character

[3] Markham, the kinsman and secretary of Penn, and afterwards governor of the province, has ascribed the greater part of the constitutions of the frame itself to the suggestions and importunity of these persons, in opposition to the original intentions of Penn. In a letter to Fletcher, the governor of New York (in May, 1696), Markham says, "I very well know that it [the frame of government] was forced from him by *friends*, when unless pleased and granted whatever they demanded, they would not have settled his country." State Papers, *apud* Chalmers, 660. It is plain from the preface, that Penn considered a future alteration of the constitutions as far from unlikely.

of freemen of the province should belong to all purchasers or renters of a hundred acres of land; to all servants or bondsmen who at the expiring of their engagements should cultivate the quota of land (fifty acres) allotted to them by law, and to all artificers and other inhabitants or residents who should pay scot and lot to the government; that no public tax should be levied from the people "but by a law for that purpose made," and that whoever should collect or pay taxes not so sanctioned, should be held a public enemy of the province and a betrayer of its liberties; "*that all prisons shall be workhouses;*" that a thief should restore twice the value of his theft, and in default of other means adequate to such restitution, should work as a bondsman in prison for the benefit of the party injured; that the lands as well as the personal property of a debtor should be responsible for his obligations, except in the case of his having lawful children, for whose use two-thirds of the landed estate were appointed to be reserved; that all factors and correspondents in the province wronging their employers, should, in addition to complete restitution, pay a surplus amounting to a third of the sum they had unjustly detained; that all dramatic entertainments, games of hazard, sports of cruelty, and whatever else might contribute to promote ferocity of temper or habits of dissipation and irreligion, should be discouraged and punished; and "that all children within this province of the age of twelve years shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want." This regulation, so congenial to primitive quaker sentiment and to republican spirit and simplicity, was admirably calculated not less to promote fellow feeling than to secure independence. It contributed to preserve a sense of the natural

CHAP. I. 1682.

BOOK VII. 1682.

equality of mankind, by recalling to every man's remembrance his original destination to labour; and while it tended thus to abate the pride and insolence of wealth, it operated no less beneficially to remedy the decay of fortune peculiarly incident to wealthy settlers in a country where the dearness of all kinds of labour rendered idleness a much more expensive condition than in Europe. It was further declared, that no persons should be permitted to hold any office, or to exercise the functions of freemen, but "such as profess faith in Jesus Christ, and are not convicted of ill fame, or unsober and dishonest conversation;" and that all persons acknowledging the one almighty and eternal God to be the creator, upholder, and ruler of the world, and professing to be conscientiously engaged to live peaceably and justly in society, should be wholly exempted from molestation for their more particular opinions and practices, and should never at any time be compelled to frequent or maintain any religious place, ministry, or worship whatever[4].

This composition having been published, the next care of Penn, enforced by his experience of the Duke of York's proceedings in New Jersey, was to obtain, from this prince, an express release of every claim or pretence of jurisdiction over Pennsylvania: nor did
August. the Duke refuse a concession so manifestly just to the son of a man for whose memory he professed the highest regard. It was a stronger proof of this regard, and the fruit of much more importunate solicitation, that Penn obtained at the same time, in a grant of the Delaware territory[5], whose thriving plantations he had anxiously desired to annex to his im-

[4] Proud, i. 196. and ii. Append. No. ii. Oldmixon, i. 171.

[5] Only a month before this favour was granted, Sir John Werden, the Duke's secretary, signified to Penn a repetition of former refusals of it, and at the same time wrote to Dongan, the governor of New York, cautioning him to beware of the encroachments of Penn, whom he describes as "very intent on his own interest in these parts, as you observe." State Papers, *apud* Chalmers, 660. The effect

mense but uncultivated domains of Pennsylvania? Yielding to the urgency of Penn, and probably swayed, in some degree, both by sentiments of friendship, and by indifference about a territory which he held by a defective and uncertain title, and had never been able to render productive of a revenue—the Duke now conveyed to him, by two separate deeds of gift, the town of Newcastle, with a territory of twelve miles around it, together with the tract of land extending southward from it upon the river Delaware to Cape Henlopen. This conveyance included not only the settlements originally formed by the Swedes and afterwards conquered by the Dutch, of which the early history is blended with the annals of New York,[6] and to which Lord Baltimore possessed a claim which he had never been able to render effectual, but a large district which this nobleman's title equally embraced, and his activity and remonstrance had actually reclaimed from Dutch and Swedish occupation[7]. Without adopting the harsh censure of a writer[8] who maintains that this transaction reflected dishonour both on the Duke of York and William Penn, we can hardly fail to regard it as a faulty and ambiguous proceeding, or to regret the proportions in which its attendant blame must be divided between a prince distinguished even among the Stuarts for perfidy and injustice, and a patriarch renowned even among the quakers for humanity and benevolence. The Duke's patents assuredly did not

CHAP. V. 1682.

Grant of Delaware, by the Duke of York, to Penn—

of the scenes of intrigue and altercation, which his views on the Delaware territory had produced, and seemed likely still further to prolong, is sufficiently visible on the mind of Penn. One of his letters to a friend, at this period, expresses an evident abatement of the fervour of his first impressions of the degree in which his colonial designs might be rendered conducive to spiritual ends. "Surely," he says, "God will come in for a share in this planting work, and that leaven shall leaven the lump in time. I do not believe the Lord's providence had run this way towards me, but that he has a heavenly end and service in it." Clarkson, i. 329.

[6] *Ante*, B. V. cap. i.

[7] *Ante*, B. III. and B. V. cap. i.

[8] Chalmers.

BOOK VII.

1682.

include within his boundaries what he now pretended to convey; and it was only to a part of it that he could transfer even the dubious title arising from occupancy, in opposition to the legal claim of Lord Baltimore[9].

September. All things having been now prepared for his own personal presence in America, Penn himself set sail from England to visit his transatlantic territory, in company with a hundred English quakers, who had determined to unite themselves to their friends already removed to that quarter of the world. Arriving October. on the banks of the Delaware, he beheld with great satisfaction the thriving settlements comprehended in his late acquisition, and the hardy, sober, and laborious race of men by whom they were inhabited. The population of that part of the Delaware territory which he ultimately succeeded in retaining against Lord Baltimore, amounted already to three thousand persons, chiefly Swedes and Dutch[1]; and by them, as well as by the English settlers who were intermixed with them, and by the quakers whom Markham had carried out in the preceding year, the proprietary was received on his arrival with a satisfaction equal to his own, and greeted with the most cordial expressions of respect and good will. The English rejoiced in their deliverance from the sway of the Duke of York; and the Dutch and

who sails for America.

His joyful reception there.

[9] Oldmixon, i. 165. 175. Proud, i. 200—2. Chalmers, 643. Once for all, I would observe that, in the course of this history, I have frequently illustrated particular portions of my narrative by citation of various authorities, not one of which accords entirely either with the views of the others or with my own. To explain, in every such instance, how I have been led, from comparison of the whole, to the view that I have adopted, would encumber every chapter of my work with a long series of subsidiary disquisitions. Much of the labour of an honest historian can never be known to his readers.

[1] In one of Penn's letters, the Dutch and Swedish inhabitants of Delaware are thus described:—"They are a plain, strong, industrious people; who have made no great progress in culture; desiring rather to have enough, than plenty or traffic. As they are people proper and strong of body, so they have fine children, and almost every house full." Proud, i. 260, 1. The Dutch had one, and the Swedes three meeting-houses for divine worship in the Delaware territory.—Ibid.

CHAP. I.

1682.

Swedes were glad to renounce a connexion that had originated in the conquest first of the one and afterwards of both their races[2]. It was flattering to their importance to be united to a state that seemed then much less likely to overshadow them by superior greatness, than either New York or Maryland: and whatever they might think of the justice of Lord Baltimore's pretensions, or the equity of his administration, it was manifest that his power was unequal to wrest from the Duke of York what had now been granted to the solicitations of William Penn. Proceeding to Newcastle, where the Dutch had a court-house, the proprietary convoked here a meeting of his new subjects; and, after the formalities requisite to ascertain his legal possession of the country, he explained to them the objects of his coming among them, exhorted them to live in sobriety and mutual amity, and renewed the commissions of the existing magistrates. The number of his colonists meanwhile was fast increasing around him. In the course of this year, no fewer than two thousand persons, chiefly quakers, arrived from England on the banks of the Delaware. Many of them were persons of rank and substance, and all were men of some education and great respectability, and with whom devotion to religious liberty had been the principal inducement to forsake their native land. They needed all the influence of this noble principle, to animate them to a brave endurance of the hardships they were compelled to undergo during the rigorous winter that followed their arrival. Their sufferings were mitigated as far as possible by the hospitality of the Swedes; but many of them were compelled to pass the winter in temporary huts or sheds, and the greater number had no better lodging than caves, which they dug for themselves on the banks of the

Numerous emigrations to the province.

[2] *Ante*, B. V. cap. i.

BOOK VII.

1682.

river. These hardships neither abated their zeal, nor were represented by them in such a formidable light as to repress the ardour of their friends in Europe, who, in the course of the following year, continued, by successive arrivals, to enlarge the population of Delaware and Pennsylvania. A valuable addition, in particular, was derived soon after from a numerous emigration of German quakers, who had been converted to this faith by the preaching of Penn and his associates, and whose well-timed removal from their native land happily enabled them to escape from the desolation of the Palatinate. The eminent piety and virtue by which these German colonists were distinguished in America, formed an agreeable sequel to the happy intervention of Providence by which they were snatched from the desolating rage of a tyrant, and the impending ruin of their country. There arrived also about this time, or shortly after, a number of emigrants from Holland; a country in which Penn had already preached and propagated his doctrines [3].

Seeing his people thus gathering in augmenting numbers around him, Penn hastened to bind them together by some common act of social arrangement. Having distributed his territory into six counties,

December. First legislative assembly.

he summoned, at Chester [4], the first general assembly, consisting of seventy-two delegates. Here, according to the *frame* that had been concerted in England, the freemen might have attended in their own persons. But both the sheriffs in their returns, and the inhabitants in petitions which they presented

[3] "In this [1682] and the two next succeeding years, arrived ships with passengers or settlers, from London, Bristol, Ireland, Wales, Cheshire, Lancashire, Holland, Germany, &c. to the number of about fifty sail."—Proud, i. 219.

[4] Penn, resolving to distinguish by a new name the place at which he called his first assembly, said to Thomas Pearson, a quaker, who had accompanied him from England, "Thou hast been the companion of my perils; what wilt thou that I should call this place?" Pearson suggested the name of his own native city of Chester. This friend of Penn was the maternal grandfather of Benjamin West. Galt's Life of West, Part I. p. 2.

CHAP. IV. 1682.

to the proprietary, declared that the fewness of the people, their inexperience in legislation, and the pressing nature of their domestic wants, rendered it inexpedient for them to exercise their privileges; and expressed their desire that the deputies they had chosen might serve both for the provincial council and the general assembly, in the proportions of three out of every county for the former, and nine for the latter of these bodies. In the circumstances of the province, the session of this first assembly was necessarily short; but it was distinguished by proceedings of considerable moment. The proprietary having expressed his approval of the representations that had been conveyed to him, an *act of settlement* was passed, introducing a corresponding and permanent change into the provincial constitution. With this and a few other modifications, the frame of government that had previously been made public was solemnly recognized and accepted. An *act of union* was passed, annexing the Delaware territory to the province of Pennsylvania; and the rank of naturalized British subjects was conferred on the Dutch, the Swedes, and all other foreigners within the boundaries of the province and territory. This arrangement, which, at the time, was both the effect and the cause of mutual harmony, unfortunately contained within itself the seeds of future dissension and discontent; for Penn held the Delaware territory, not by a grant from the crown, but by an assignation from the Duke of York; and when the efficacy of such a title, to convey the rights of government, came to be questioned, the people reprobated with resentful blame the wanton rashness, as they deemed it, of building their constitutional rights and privileges on a foundation so precarious. All the laws that had been concerted in England, together with nineteen others, were proposed and enacted by the

Pennsylvania and Delaware united.

BOOK VII. 1682.

assembly, which, in three days, closed a session no less remarkable for the importance of its labours, than for the candour and harmony that prevailed among men so diversified by variety of race, habit, and religious opinion. All concurred in expressing gratitude and attachment to the proprietary; the Swedes, in particular, deputing one of their number to assure him, *that they would love, serve, and obey him with all they had, and that this was the best day they had ever seen* [5].

Among the many praiseworthy features of the code of laws that was thus enacted for Pennsylvania and Delaware, we have already remarked the particular wisdom of the provision for educating every native-born colonist to some useful trade or employment. But the points on which this code most justly claims the praise of original excellence and enlightened humanity, are its provisions for the administration of penal law. Nor was there any point on which its regulations have been more efficacious, or more productive of lasting and extensive benefit to mankind. It was reserved for quaker wisdom to discover, and for quaker patience and benevolence to prove, that, in the treatment of criminals, justice and mercy were not inconsistent virtues, nor policy and humanity incompatible objects of pursuit. Only two capital crimes, treason and murder, were recognised by this code; and, in all other cases, the reformation of the offender was esteemed a duty not less imperative than the punishment of the offence. To this end it was enacted, that *all prisons should be work-houses*, where offenders might be reclaimed, by discipline and instruction, to habits of industry and morality, and political benefit educed from the performance of christian duty. The institutions that resulted from this benevolent enterprise in legis-

[5] Oldmixon, i. 166. 168. Proud, i. 204—8. 216—20. Chalmers, 643—6.

lation, have reflected honour on Pennsylvania, and diffused their advantages extensively in America and Europe. Notwithstanding the strict injunctions in the royal charter, neither the code of laws which was now enacted, nor the alteration and enlargement which it subsequently underwent, was ever submitted to the royal revision. CHAP. I. 1682.

No sooner was the assembly adjourned, than Penn hastened to Maryland to vindicate that part of its proceedings which was necessarily offensive to Lord Baltimore, and, if possible, effect with this nobleman an amicable adjustment of their respective boundaries. But he seems, from the beginning, to have been aware that such a termination of the dispute was not to be expected; and, notwithstanding all the respect he must have felt for Lord Baltimore's tolerant policy, and the protection which the quakers had experienced from it in Maryland, he plainly regarded him with a suspicion and an aptitude to surmise wrong and anticipate resistance, not very creditable to his own candour and moderation; finding matter of evil import even in the demonstrations of honour and respect which he received from his brother proprietary [6]. Lord Baltimore relied on the priority and distinctness of his own title; while Penn defended a later and more indistinct grant, on a plea that had been furnished to him by the Committee of Plantations in England—that it had never been intended to confer on Lord Baltimore any other territory but such as was inhabited by savages only, at the date of his charter; and that the language of his charter was therefore inconsistent with its intendment, in so far as it seemed to authorize his claim to any part of the territory previously colonized Controversy with Lord Baltimore.

[6] In an account of their conference, which Penn transmitted to England, he says, "I met the proprietary of Maryland, attended suitably to his character, who took the occasion, by his civilities, to show me the greatness of his power." Proud, i. 268.

BOOK VII. 1682

by the Swedes or the Dutch. Each of them tenaciously adhered to what, with more or less reason, he considered his own; and neither could suggest any mode of adjustment save a total relinquishment of the other's pretensions. To avoid the necessity of recurring again to this disagreeable controversy, I shall here overlook intervening events to relate, that it was protracted for some years without the slightest approach to mutual accommodation; that King Charles, to whom both parties had complained, vainly endeavoured to prevail with the one or the other to yield; and that James the II., soon after his accession to the throne, caused an act of council to be issued for terminating the dispute by dividing the subject-matter of it equally between them. By this arrangement, which had more of equitable show than of strict justice, Penn obtained the whole of the Swedish and Dutch settlements, and, in effect, preserved all that he or the Duke of York had ever been in possession of. These districts, annexed, as we have seen, to his original acquisition, received the name of *the Three Lower Counties*, or *the Territories*, in contradistinction to the remainder of the union, which was termed the Three Upper Counties or Province of Pennsylvania [7].

Treaty with the Indians.

This busy year was not yet to close without an important and memorable scene, in which the character of Penn has shone forth in a very different light from that which his controversy with Lord Baltimore reflects on it. The commissioners who had accompanied the first detachment of emigrants, had, in compliance with their instructions, negotiated a treaty with the

7 Proud, i. 208. 293, &c. Chalmers, 647, 8. 650, &c. The Duke of York, who supported Penn's pretensions, finding it impossible otherwise to prevail over the title of Lord Baltimore, solicited from the King a new charter of the Delaware territory to himself, in order to reconvey it with more effect to his friend; and this was on the point of being done, when the Duke's accession to the throne enabled him to gratify Penn by a proceeding no less arbitrary in its import, but more equitable in its appearance

neighbouring Indian tribes, for the purchase of the lands which the colonists were to occupy, and for the preservation of perpetual friendship and peace. The time appointed for the ratification of this treaty was now arrived; and, at a spot which is now the site of Kensington, one of the suburbs of Philadelphia, the Indian sachems, at the head of their assembled warriors, awaited in arms the approach of a quaker deputation. To this scene William Penn repaired, at the head of an unarmed train of his religious associates, carrying various articles of merchandise, which, on their approach to the sachems, were spread on the ground. Distinguished from his followers by no other external appendage than a sash of blue silk, and holding in his hand a roll of parchment that contained the confirmation of the treaty, Penn exchanged salutations with the Indians, and taking his station under an elm tree [8], addressed them through the intervention of an interpreter. He assured them that the Great Spirit who created all men, and beheld the thoughts of every heart, knew with what sincerity he and his people desired to live in friendship and a perpetual commerce of good offices with the Indians. It was not the custom of his friends, he said, to use hostile weapons against their fellow creatures, and for this reason they came to meet the Indians unarmed. Their object was not to do injury, and thus provoke the Great Spirit, but to do good; and in this and every transaction, to consider the advantage of both people as inseparable, and to proceed with all openness, brotherhood, and love. Having read from the parchment record the conditions of the purchase, and the articles of compact, by which it was agreed that

CHAP. II.

1682.

[8] This tree was long regarded with universal respect. During the war of independence, General Simcoe, who commanded a British force stationed at Kensington, when his soldiers were cutting down all the trees around them for firewood, placed a sentinel under this elm to guard it from injury—a singular tribute from a man who was engaged in violating the very principles of equity and peace of which the object of his consideration was respected as a memorial.

BOOK VII. 1682.

all disputes between the colonists and the Indians should be adjusted by arbitrators mutually chosen, he delivered to the sachems the stipulated price [9], and farther desired their acceptance, as a friendly gift, of the additional articles of merchandise that were spread before them. He then invited them to consider the land which he had purchased, as common to the two races, and freely to use its resources whenever they might have occasion for them [1]. He added, "that he would not do *as the Marylanders did*, that is, call them children or brothers only; for often parents were apt to whip their children too severely, and brothers sometimes would differ: neither would he compare the friendship between him and them to a chain, for the rain might sometimes rust it, or a tree might fall and break it; but he should consider them as the same flesh and blood with the christians, and the same as if one man's body were to be divided into two parts." He concluded by presenting the parchment to the sachems, and requesting, that, for the information of their posterity, they would carefully preserve it for three generations. The Indians cordially acceded to these propositions, and solemnly pledged themselves to live in love with William Penn and his children as long as the sun and moon should endure [2].

Thus ended a treaty of which Voltaire has remarked, with sarcastic exultation, that it was the only one between the christians and the Indians that was not ratified by an oath, and that never was broken.

[9] What this price amounted to has nowhere been recorded. Penn, writing in the following year to some friends in England, represents it as *dear*; and adds, "He will deserve the name of wise that outwits them (the Indians) in any treaty about a thing they understand." Proud, i. 258.

[1] The same liberality was shown by the colonists of New England, where, as we learn from Dr. Dwight, "the Indians were always considered as having a right to dwell and to hunt within the lands which they had sold." Travels in New England, &c. i. 312.

[2] Oldmixon, i. 164. 167, 8. Proud, i. 2. 11, 12. 257—259. Clarkson, i. 337—343.

CHAP. I. 1682.

In one respect, indeed, the forbearance of Penn on this occasion to introduce christianity in any other way than as a name, into his harangue, may have contributed to the cordiality with which his propositions were received. He sedulously forbore every allusion to distinctive peculiarities or offensive truths; and in addressing men whom he considered as benighted heathens[3], he descended to adopt their religious nomenclature, and more than insinuated, that the Great Spirit of the Indians, and the True God of the christians, were not different, but the same. But a much more respectable peculiarity of quakerism than abstinence from oaths, formed the most remarkable feature in this treaty with the Indians, and mainly contributed to ensure its durability. Nothing could be more magnanimous than the explicit declaration of a race of civilised men, surrounded by a nation of warlike barbarians, that they renounced all the advantage of superior military skill, and even disclaimed the employment of every weapon of violence for the defence of their lives, or the vindication of their wrongs: trusting the protection of their persons and possessions against human ferocity and cupidity, to the dominion of God over the hearts of his rational creatures, and his willingness to signalise this dominion in behalf of all such as would exclusively rely on it. The singular exemplification of christian character in this respect, which the Pennsylvanian quakers continued uniformly to exhibit, was attended with an exemption no less singular, from those contentions and calamities which Indian neighbourhood

[3] In one of his letters to friends in England, he says of the Indians: "These poor people are under a dark night in things relating to religion." Proud, i. 256. The following adventure was communicated by Penn himself to Oldmixon. He was visiting an Indian sachem, and had retired for the night, when a young woman, the sachem's daughter, approaching his bed, lay down beside him. Penn was much shocked; but, unwilling to offend by rejecting an intended compliment, he lay still without taking any notice of her, till she thought proper to return to her own couch. Vol. I. p. 308, 2d edition. A New England patriarch in such circumstances, would probably have excited the enmity of the whole Indian tribe by his expressions of disgust and reprobation.

BOOK VII.

1682.

entailed on every other description of European colonists. The intentional injury of a quaker by an Indian is an event unknown in Pennsylvanian, and very rare in American history. The probity of dealing, and courtesy of demeanour, by which the quakers endeavoured to maintain this good understanding, were powerfully aided by the distinctions of dress and manners by which they were visibly disconnected with other men, and thus exempted, as a peculiar or separate tribe, from responsibility for the actions, or concern in the quarrels of their countrymen. The inhabitants of many of the other colonies were no less distinguished than the quakers for the justice and good faith that characterised their transactions with the Indians; and the catholic inhabitants of Maryland are said, in addition, to have graced these estimable qualities with the most conciliating demeanour. Yet none were able wholly to exempt themselves from Indian attack, or to refrain from retaliatory hostility. The people of Maryland were sometimes involved in the indiscriminate rage with which certain of the Indian tribes pursued the hostilities they had commenced against the colonists of Virginia. But whatever animosity the Indians might conceive against the European neighbours of the Pennsylvanians, or even against Pennsylvanian colonists who did not belong to the quaker society, they never failed to discriminate the followers of Penn, or *children of Onas* [4], (which was the denomination they gave to the quakers), as persons whom it was impossible for them to include within the pale of legitimate hostility. The friendship that was created by Penn's treaty between the

[4] *Onas*, in the Indian tongue, signifies a pen. It came to be the Indian appellation of the governors of Pennsylvania, as *corlear* was of the governors of New York. Proud, i. 214.

John Wesley, in the close of his life, was forcibly impressed with the influence of the peculiar dress of the quakers, as at once a segregating principle, and a bond of sectarian union; and regretted that he had not prescribed a distinctive apparel to the methodists. Wesley's Journal.

province and the Indians, refreshed by successive acts of courtesy and humanity, endured for more than seventy years, and was never interrupted while the quakers retained the command of the government of Pennsylvania. Undoubtedly, the feature of quaker manners which proved most efficient in guarding them against Indian ferocity, was their rigid abstinence not only from the use, but even from the possession, of offensive weapons, arising from their conviction of the sufficiency of divine aid, and their respect to the scriptural threat, that all who take the sword shall perish by it. It was a totally different feature of christian character that was exhibited by the puritan colonists of New England in their intercourse with the Indians. They felt less indulgence for the frailty of the savages than concern for their spiritual blindness, and abhorrence of their idolatrous superstition: they displayed less meekness of wisdom than the quakers, but more of active zeal and missionary ardour. The puritans were most concerned to promote the religious interests of the Indians; the quakers to gain their good will. The puritans converted a number of their heathen neighbours; the quakers conciliated them all. It was unfortunate for the colonists of New England, that, asserting the lawfulness of defensive war, they were surrounded by numerous bold and warlike tribes, stimulated to acts of aggression, at first by their own ferocity and jealousy, and latterly by the intrigues of the French. It was a happy contingency for the planters of Pennsylvania, that the Indian tribes around them were inconsiderable in number, and either belonged to the confederacy or were subjected to the influence of *the Five Nations*[5], who were themselves in alliance with the sister colony of New York.

CHAP. I. 1682.

Nothing can be more exaggerated or inapplicable

[5] Oldmixon, i. 167. Chalmers, 644.

BOOK VII.

1682.

than the encomiums which numerous writers have bestowed on this celebrated transaction between Penn and the Indians. They have, with unhappy partiality, selected as the chief, and frequently the sole object of commendation, the supposed originality of the design of buying the lands from the savages, instead of appropriating them by fraud or force,—which last they represent as the only methods of acquisition that had been employed by the predecessors of Penn in the colonization of North America [6]. This is at once to reproach every one of the other christian founders of North American society with injustice and usurpation; to compliment the Indians with the gratuitous supposition that only bare justice on the part of the colonists was requisite to the preservation of peace between the two races; and to ascribe to Penn a merit which assuredly did not belong to him, and which he himself has expressly disclaimed. The example of that equitable consideration of the rights of the native owners of the soil, which has been supposed to have originated with him, was first exhibited by the planters of New England, whose deeds of conveyance from the Indians were earlier by half a century than his; and was successively repeated by the planters of Maryland, Carolina, New York, and New Jersey, before the province of Pennsylvania had a name. Penn was introduced to an acquaintance with American colonization, by succeeding to the management of New Jersey, in which Berkeley and Carteret

[6] The Abbé Raynal declares, that Penn, in purchasing a conveyance from the Indians, in addition to his charter from the king of England, "is entitled to the glory of having given an example of moderation and justice in America, never so much as thought of before by the Europeans." Noble, in his Continuation of Granger, says, "He occupied his domains by actual bargain and sale with the Indians. This fact does him infinite honour. Penn has thus taught us to respect the lives and properties of the most unenlightened nations." It would be easy to multiply similar quotations. Even Mr. Clarkson, who acknowledges that Lord Baltimore at least preceded Penn in this act of justice, cannot refrain from complimenting Penn for soaring, in this instance, "above the prejudices and customs of his time." The most modest and moderate account of Penn's treaty which I have seen, is that which claims Mr. Dillwyn (See Note XII.) for its author.

had already established this equitable practice; and his own conformity to it in Pennsylvania had been expressly recommended by Bishop Compton (whose interference in the composition of the charter we have already witnessed), and was publicly ascribed by himself to the counsels of that prelate [7]. CHAP. I. 1682.

The continual arrival of vessels, transporting settlers to the colony from all parts of the British dominions, afforded ample occasion to Penn for the exercise of the agreeable labour of surveying his territories, and appropriating to the purchasers their respective allotments of land. One of these allotments, consisting of a thousand acres, was a gift from the proprietary to his friend George Fox, and formed the only estate which that venerable quaker patriarch was ever possessed of [8]. The greater number of the emigrants still continued to be quakers, with the addition of some other dissenters, withdrawing from the severities of persecution, and the contagion of European vices; and their behaviour in the colony corresponding with the noble motives that had conducted them to it [9], the domains of Penn exhibited a happy and animated scene of active industry, devotional exercise, and thankful enjoyment of civil and religious liberty. It appeared, however, that some worthless persons had already intruded themselves among the more respectable settlers: and three men, who were now brought to trial and convicted of coining adulterated 1683.

[7] In a letter from Penn to the Lords of the Committee of Trade and Plantations in England (in 1683), he declares, that "I have followed the Bishop of London's counsel by buying and not taking away the natives' land." Proud, i. 274. This letter is also printed by Chalmers, p. 661, &c. Mr. Clarkson refers to it as containing Penn's statement of his controversy with Lord Baltimore, but has not thought that the credit of Penn would be advanced by its publication. It consists chiefly of an elaborate attempt to vindicate his own pretensions to the Delaware territory, and to interest the lords of trade to support them against Lord Baltimore's claims. Hence, perhaps, the readiness he evinces to do honour to the Bishop of London.

[8] Fox disposed of this estate by his will. But he never was in Pennsylvania.

[9] See Note XV.

BOOK VII.

money, gave occasion to the first practical display of the mildness of Pennsylvanian justice.

1683. March. Second assembly.

Shortly before this judicial proceeding, the second session of the assembly of Pennsylvania and Delaware had been held. In this assembly, some new laws were passed, and certain singularities in legislation were attempted. It was proposed that all young men should be compelled by law to marry before a certain age; and that no inhabitant of the province should be permitted to have more than two suits of clothes, one for summer, and the other for winter: but these propositions were very properly rejected. More wisdom was displayed in an ordinance which abrogated the common law with regard to the descent of lands, and enacted, that, in the succession of children to a father dying intestate, the eldest son should have no farther preference than a double share. However consonant it might have been to feudal principles, to bestow the fief undiminished upon him who was first able to defend it, this policy was manifestly unsuitable to colonists who had a wilderness to cultivate, and were therefore the more especially called to invigorate exertion by an extensive diffusion of interest and property in the soil. An impost upon goods imported and exported was voted to the proprietary [1], who acknowledged the kindness of the assembly, but wisely and generously remitted the proposed burden on the province and the traders who resorted to it. But the most important business that

[1] This seems to refute the allegation of Dr. Franklin, in his "Historical Review of the Constitution of Pennsylvania," "that Penn prevailed with his first colonists to submit to his quit rents, by holding out the delusive hope, that they would supersede all public impositions for the support of government." Franklin having engaged on the side of the Pennsylvanian assembly in their disputes with the descendants of Penn, endeavoured to increase the discredit of his adversaries by the harshest censures of their illustrious ancestor. Yet, that Franklin really esteemed Penn, is apparent from many passages in his writings; and that he even regarded him with no common admiration, may be inferred from a curious letter of his (relative to a supposed portrait of Penn), preserved in Woodhouselee's Life of Lord Kaimes.

1683.

was transacted in this session was an alteration in the constitution of the state, which, unquestionably, from whatever cause, underwent at first much greater and more frequent fluctuations than the history of any of the other colonial settlements evinces. William Penn having demanded of the members of council and assembly, "Whether they desired to preserve his first charter, or to obtain a new one?" they unanimously adopted the latter part of the alternative. With the assistance of a committee of these two bodies, a new frame or charter was accordingly prepared and executed by the proprietary. The chief purpose of this proceeding seems to have been to legalize (according to Penn's ideas) the alteration that had been effected by the *act of settlement* passed in the first session of the assembly. It was accordingly now provided, by a charter emanating from the proprietary, that the provincial council should consist of eighteen persons, three from each county, and the assembly of thirty-six; by whom, in conjunction with the governor, all laws were to be made, and public affairs transacted. But still no laws could be proposed in the assembly but such as had been prepared and presented by the governor and council. The only alteration in the distribution of power that was effected by this new charter was, that the governor, with his treble vote, necessarily possessed more control in a council of eighteen, than by the original frame he could have enjoyed in a council of seventy-two members. The interests of freedom were, however, promoted by a grant, to all the inhabitants of the province, of unlimited liberty to hunt in uninclosed lands, and to fish in all waters, "that they may be accommodated with such food and sustenance as God in his providence hath freely afforded;" and aliens were encouraged by a provision, that, in case of their dying without having been previously naturalized,

New frame of government adopted.

BOOK VII.

1683. their lands should nevertheless descend to their heirs. This charter was thankfully accepted by the representatives of the people, who closed their second assembly with expressions of undiminished attachment to the proprietary.

Philadelphia founded. This assembly had been held at the infant city of Philadelphia. Shortly after his arrival in the province, Penn had selected a commodious situation, between the rivers Skuylkill and Delaware, for the erection of the metropolis of Pennsylvania; and, having regulated the model of the future city by a map [2], he bestowed on it a name expressive of that brotherly love which he hoped would ever characterise its inhabitants. To many of the streets he gave names descriptive of the varieties of forest trees that had been cut down to make room for the structures of civilized life; and which still continue to commemorate the sylvan origin of the place. The progress of the buildings of Philadelphia was a favourite object of his care, and advanced with such rapidity, that, in less than a year from the time when it was begun, a hundred substantial houses overlooked the caves that

1684. had sheltered their owners but a few months before: and, in the course of the following year, the population of the city amounted to two thousand five hundred persons [3].

The remainder of the time occupied by the proprietary's first visit to his colony was spent in conducting his controversy with Lord Baltimore; in extending his treaties with the Indian tribes, to whom his presents from time to time amounted in value to several

[2] In the "Connection of the History of the Old and New Testament," by Dean Prideaux, there is a plan or model of the city of ancient Babylon. "Much according to this model," says the dean, "hath William Penn the quaker laid out the ground for his city of Philadelphia, in Pennsylvania; and were it all built according to that design, it would be the fairest and best city in all America, and not much behind any other in the whole world."

[3] Oldmixon, i. 151. 169. 171. Proud, i. 216—219. 225—245. 262. and ii. Append. No. III. Chalmers, 649. Clarkson, i. 349.

thousand pounds; in acting as a minister among the quaker colonists, and arranging the frame of their sectarian usages and discipline; and in impelling and directing the progress of his favourite city of Philadelphia. He saw his religious society and principles established in a land where they were likely to take a vigorous root, and expand with unbounded freedom; and institutions rising around him that promised to illustrate his name with a lasting and honourable renown. In fine, he beheld the people who acknowledged his supremacy happy and prosperous, and seemed himself to enjoy his transatlantic retirement [4]. The only sources of uneasiness that had yet arisen from his colonial labours, were, his dispute with Lord Baltimore, and the failure of all his efforts to guard the Indians from that destructive vice which the vicinity of Europeans has always contributed to diffuse among them. A law had been passed against supplying these savages with spirituous liquors: but the practice had been introduced by the colonists of Delaware, long before Penn's arrival, and his attempts to suppress it proved utterly ineffectual. The Europeans acknowledged the cruelty and injustice of this traffic, and the Indians confessed their experience of its baneful effects; but neither could be persuaded to refrain from it. It was attended with the additional evil of confirming the Indians in their roving habits of life; as the peltry they acquired in hunting was the only commodity they were able to exchange with the colonists for rum and brandy. The more valuable possessions and advantages by which the colonists were distinguished, were either lightly esteemed by the Indians, or reckoned unworthy of the laborious habits that were requisite to procure

CHAP. I. 1684.

[4] In a letter to a friend in England, he says, "Oh how sweet is the quiet of these parts, free from the anxious and troublesome *solicitations*, hurries, and perplexities, of *woeful Europe*: and God will thin her; the day hastens upon her." Proud, i. 209.

BOOK VII. 1684.

them. In answer to the advice of the Europeans, that they should betake themselves to a life of regular industry, one of the Indians begged to hear some satisfactory reason *why he should labour hard all his days to make his children idle all theirs*[5].

Penn's return to England—

In the midst of a scene of felicity as unmixed, perhaps, as any community of human beings has ever exhibited, Penn resolved upon returning to England, in order to enforce, by personal solicitation, the interest which he possessed at the English court, and which he was desirous to employ in aid of his controversy with Lord Baltimore, as well as for the relief of a number of his quaker brethren who were suffering in the parent state from an increased strictness in the execution of the penal laws against nonconformists[6]. In preparation for this measure, he entrusted the administration of his proprietary functions to the provincial council, of which he appointed Thomas Lloyd, a quaker, to be president, and his own kinsman, Markham, to be secretary; and committed the execution of the laws to Nicholas Moore and four other planters, whom he constituted the provincial judges. On the eve of his departure, and having already embarked, he addressed, to Lloyd and others of his more intimate associates, a valedictory letter, which he desired them to communicate to all his

June; and farewell to his people.

[5] Oldmixon, i. 164. 171. Proud, i. 255. 284—286. S. Smith, 142.

[6] The unfortunate consequences that attended Penn's withdrawment at this period from the *quiet* of America, to plunge again into the *solicitations of woeful Europe*, have rendered the cause of this step a subject of some importance. Oldmixon, who derived his information from Penn himself, says, that he was determined, much against his will, to return, by tidings of the persecution of the quakers and other dissenters in England; and that "He knew he had an interest in the court of England, and was willing to employ it for the safety, ease, and welfare of his friends," i. 171. But Proud, who is by far the best authority on points of early Pennsylvanian history, declares that "the dispute between him and the Lord Baltimore before-mentioned was what mainly occasioned Penn's return to England," i. 288. In a letter written shortly after his arrival in England, Penn says, that "He had seen the king and the Duke of York. They and their nobles had been very kind to him, and he hoped the Lord would make way for him in their hearts to serve his suffering people, as also his own interest as it related to his American concerns." Clarkson, i. 426.

friends in Pennsylvania and Delaware. "Dear friends," he declared to them, "my love and my life is to you, and with you; and no water can quench it, nor distance wear it out, or bring it to an end. I have been with you, cared over you, and served you with unfeigned love; and you are beloved of me, and dear to me beyond utterance. I bless you in the name and power of the Lord; and may God bless you with his righteousness, peace, and plenty, all the land over. Oh that you would eye him in all, through all! and above all, the works of your hands." After admonishing those to whom he had committed the rule, to consider it as a sacred function and heavenly trust, he thus apostrophizes his favourite city: "And thou, Philadelphia, the virgin settlement of this province, named before thou wert born, what love, what care, what service, and what travail, has there been to bring thee forth, and preserve thee from such as would abuse and defile thee! Oh that thou mayest be kept from the evil that would overwhelm thee! that, faithful to the God of thy mercies in the life of righteousness, thou mayest be preserved to the end. My soul prays to God for thee, that thou mayest stand in the day of trial, that thy children may be blessed of the Lord, and thy people saved by his power. My love to thee has been great, and the remembrance of thee affects mine heart and mine eyes! The God of eternal strength keep and preserve thee to his glory and thy peace." "So, dear friends," he thus concludes, "my love again salutes you all, wishing that grace, mercy, and peace, with all temporal blessings, may abound richly among you:—So says, so prays, your friend and lover in the truth, William Penn."

CHAP. I. 1684.

At the period of the proprietary's departure from the province, Philadelphia already contained three hundred houses, and the population of Pennsylvania

BOOK VII.

1684.

amounted altogether to six thousand souls[7]. Of the increase which the inhabitants of the Delaware territory had undergone, no memorial has been preserved.

[7] Oldmixon, i. 170, 171. Proud, i. 285—290.

CHAPTER II.

Penn's Favour at the Court of James the Second.—Dissensions among the Colonists—their Disagreement with Penn about his Quit Rents.—He appoints Five Commissioners of State.—Rumour of an Indian Massacre.—Penn dissatisfied with his Commissioners — appoints Blackwell Deputy Governor.—Arbitrary Conduct of Blackwell.—Displeasure of the Assembly.—Dissension between the People of Delaware and Pennsylvania.—Delaware obtains a separate Executive Government.—George Keith's Schism in Pennsylvania.—Penn deprived of his Authority by King William.—Fletcher appointed Governor.—Penn's Authority restored.—Third Frame of Government.—Quaker Accession to War.—Penn's Second Visit to his Colony.—Sentiments and Conduct of the Quakers relative to Negro Slavery.—Renewal of the Disputes between Delaware and Pennsylvania.—Fourth and Last Frame of Government.—Penn returns to England.—Union of Pennsylvania and Delaware dissolved.—Complaints of the Assembly against Penn.—Misconduct of Governor Evans.—He is superseded by Gookin.—Penn's Remonstrance to his People.—State of Pennsylvania and Delaware at the Close of the Seventeenth Century.

CHAP. II.

1685.

Penn's favour at the court of James the Second.

BIDDING adieu to the peaceful scenes of Pennsylvanian life, Penn transferred his exertions to the very dissimilar theatre of the court of England. Here the interest which he possessed was soon increased to such a degree, by the advancement of his own patron and his father's friend, the Duke of York, to the throne, that, in the hope of employing it to his own advantage, and to the general promotion of religious liberty, he abandoned all thoughts of returning to America, and continued to reside in the neighbourhood, and even to employ himself in the service, of the court, as long as James the Second was permitted to wear the crown:—a policy that, in the sequel, proved equally prejudicial to his reputation in England and his interests in America. The first fruit of

BOOK VII. 1685.

his enhanced influence at court was the adjudication that terminated his controversy with Lord Baltimore, and secured to him the most valuable portion of the Delaware territory [1]. Fruits of a more liberal description were evinced in his successful efforts to procure a suspension of the legal severities to which the members of his own religious society were obnoxious, and for the discontinuance of which he had the satisfaction of presenting an address of thanks to the king from all the quakers in England [2].

This year was signalized by an attempt, that originated with the annual meeting of the quaker society at Burlington, in New Jersey, to communicate the knowledge of christian truth to the Indians. These savages readily acceded to the conferences that were proposed to them, and listened with their usual gravity and decorum to the first body of missionaries who, in professing to obey the divine command to *teach and baptise* all nations, ever ventured to teach that baptism was not an ordinance of christian appointment. Of the particular communications between these quaker teachers and the Indians, no account has been preserved; but the result, as reported by a quaker historian, was, that the Indians in general acknowledged at the time that what they heard was very wise, weighty, and true, and never afterwards thought farther about it [3]. The first successful at-

[1] This adjudication was not so distinct as to prevent much subsequent dispute respecting the precise boundaries between Delaware and Maryland, which continued to distract the inhabitants on the borders of these provinces, till it was finally closed in 1750, by a decree pronounced in Chancery by Lord Hardwicke. Chalmers, 651. Vesey's Reports, i. 144.

Nothing was more common for a long time in the American provinces than disputes arising from uncertain boundaries. A dispute of this nature between the townships of Lyme and New London, in New England, during the seventeenth century, was decided by a solemn pugilistic combat between four champions chosen by the inhabitants of the two places. Dwight's Travels, ii. 498.

[2] Proud, i. 290—294. 308—314. "The king has given us," said Penn in the speech with which he accompanied the presentation of the quaker address, "an illustrious example in his own person; for while he was a subject he gave Cæsar his tribute, and now he is Cæsar he gives God his due, namely, the sovereignty over consciences."

[3] Proud, i. 300, 301.

tempts to evangelize the Indian inhabitants of New Jersey, Delaware, and Pennsylvania, were not made till towards the middle of the following century, when this work was undertaken by the celebrated David Brainerd, of New England, and by a body of Moravian brethren who had emigrated from Germany. CHAP. II. 1685.

Meanwhile, the emigrations from England to Pennsylvania continued to proceed with undiminished vigour; the stimulus that had been previously afforded by the rigours of ecclesiastical law, being amply supplied by the dislike and suspicion with which the king's civil policy was regarded, by the accounts which had been circulated of the prosperity enjoyed by the colonists of this province, and by the general belief that Penn's interest with the king would protect its liberties from the general wreck in which his tyranny had involved the other colonial constitutions. In the course of this year, about a thousand emigrants appear to have resorted to Pennsylvania alone [4]. But this increase in the population of his territories was now the only source of satisfaction that they were to afford to the proprietary, and the remainder of his connexion with them was overclouded by disappointment, and embittered by mutual dispute. It was but a few months after his departure from the province, that a spirit of discord began to manifest itself among the planters. Moore, the chief justice, and Robinson, the clerk of the provincial court, neither of whom belonged to the quaker persuasion, had rendered themselves disagreeable to the leading persons of this society in the colony. The first was impeached by the assembly of high crimes and misdemeanours, and for refusing to answer the charge was suspended from his functions by the council; while a very disproportioned censure was passed on the other, who, for what was deemed contemptuous

Dissensions among the colonists.

[4] In 1685, the number of inhabitants was 7000. Warden, ii. 69.

BOOK VII.

1685.

behaviour in answering the questions of the assembly, was not only committed to custody, but voted "a public enemy to the province and territories." Of the charges against Moore not a trace has been preserved; but it is manifest that Penn considered them frivolous or unfounded. In vain he wrote to the authors of these proceedings[5], entreating them to restrain their tempers, and forbear from the indulgence of animosities so discreditable to the colony; to value themselves a little less, and to honour other men a little more than they appeared to him to have done. The assembly answered by professions of the highest reverence for himself, accompanied by entreaties (unfortunately ineffectual) that he would return to live among his people; but declared withal that they thought fit "to humble that corrupt and aspiring minister of state, Nicholas Moore." The correspondence between the proprietary and this body, as well as the council, gradually assumed an increasingly disagreeable complexion. To other causes of displeasure, were added reports of the increased consumption of spirituous liquors among the colonists—the intemperance in this respect which they propagated among the Indians thus recoiling upon themselves; and complaints of various abuses and extortions committed by the officers whom he had entrusted to conduct the sales of his land. But nothing seems to have mortified him more sensibly than the difficulty he experienced in obtaining payment of his quit rents, and the universal reluctance that was shown to comply with, or even pay any attention to, his applications for remittances on that account. The people in general had rather submitted to than approved the imposition of quit rents; and, though

Their disagreement with Penn about his quit rents.

[5] "For the love of God, me, and the poor country," he says in one of these letters, "be not so *governmentish*, so noisy, and open in your dissatisfactions. Some folks love *hunting* in government itself." Proud, i. 297.

prospering in their circumstances, and conscious of the expenses that the proprietary had incurred for their advantage, they were only now beginning to reap the first fruits of the far greater expenses incurred by themselves in purchasing their lands from him, and in transporting themselves and their families, servants, and substance to the province. Much labour and expense was yet wanting to render more than a small portion of their lands productive of advantage to them: and to be now called on to pay quit rents for the whole, and for this purpose to surrender the first earnings of their own hazard, hardship, and toil, to be expended by their proprietary in a distant country, was a proceeding very ill calculated to obtain their favourable regard, and which the very generosity of the proprietary, that rendered it the more unavoidable on his part, had by no means prepared them to expect. Penn had, doubtless, hoped that the council to whom he had delegated his proprietary functions, would have spared him the humiliating necessity of descending to a personal altercation with his people on this subject. But, so far were the council from demonstrating any such regard for his delicacy or his interest, that they would give him no assistance whatever in the prosecution of his unpopular demand, and even forbore to take any notice of the remonstrances which he addressed to them on the neglect of their duty. Astonished and indignant to find himself treated in a manner which he deemed so ungrateful and unjust, Penn felt himself constrained at length to reproach his people in a letter, which forms a melancholy contrast to the beautiful valediction with which he had taken his leave of them, scarcely two years before. He complained that the provincial council had neglected and slighted his communications; that the labour which he had religiously consecrated to his people's good was neither

CHAP. II.

1685.

1686.

BOOK VII.

1686.

valued nor understood by them; and that their proceedings in other respects had been so unwarrantable as to have put it in his power more than once to annul the charter he had bestowed on them, if he had been disposed to take advantage of their misconduct. He declared that he was suffering much embarrassment by the failure of the remittances he had expected from America, and that this was one of the causes of his detention in England. His quit rents, he said, amounted then, at the very least, to five hundred pounds a year; but he could not obtain payment of a penny of this income. "God is my witness," says he, "I lie not. I am above six thousand pounds out of pocket more than ever I saw by the province; and you may throw in my pains, cares, and hazard of life, and leaving of my family and friends to serve them." According to this statement, it would appear that he had already sold a million acres of land in the province, and devoted twenty thousand pounds (the stipulated price corresponding to sales of that extent) to the public service, besides the additional expenditure which he mentions of six thousand pounds.

This remonstrance, which was more especially addressed to the provincial council, having proved as ineffectual as his preceding applications, Penn determined to withdraw from that body the management of his interests and the possession of the executive power, which he had committed to its keeping on his departure from the province. Expecting more activity from fewer, and more integrity from different hands, he resolved to confine the executive power to five persons; and, in order to mark his sense of the injurious treatment which he conceived had been inflicted on an able and honourable man, he hesitated not to appoint Nicholas Moore to be one of the persons by whom this important function was to be exercised.

CHAP. II.

December, 1686.

To Lloyd, the former president of the council, and three other quakers, in conjunction with Moore, he accordingly granted a warrant or deputation investing them with their office under the title of *commissioners of state*. He commanded them, at the very first assembly that should be holden after their instalment in office, to abrogate, in the proprietary's name, every act that had been passed in his absence. He charged them to be particularly careful to repress every tendency to disorder, dispute, or collision of powers between the several organs of government, and, for this purpose, to permit no parleying or open conference between the council and the assembly, but to confine the one to the exercise of its privilege of proposing laws, and the other to a simple expression of assent or dissent. He admonished them to act with vigour in suppressing vices without respect of persons or persuasions,—adding, "Let not foolish pity rob justice of its due, and the people of proper examples. I know what malice and prejudice say; but they move me not. I know how to allow for new colonies, though others do not." He advised them, before ever *letting their spirits into any affair*, to lift up their thoughts to Him who is not far from every one of us, and to beseech from that only source of intelligence and virtue, the communication of a good understanding and a temperate spirit. He recommended to them a diligent attention to the proprietary's interest, and a watchful care to the preservation of their own dignity. "I beseech you," he said, "draw not several ways; have no cabals apart, nor reserves from one another; treat with a mutual simplicity, an entire confidence, in one another; and if at any time you mistake, or misapprehend, or dissent from one another, let not that appear to the people: show your virtues, but conceal your infirmities; this will make you awful and reverent

He appoints five commissioners of state.

BOOK VII. 1686. with the people." "Love, forgive, help, and serve one another," he continued; "and let the people learn by your example, as well as by your power, the happy life of concord [6]."

1687. Rumour of an Indian massacre. This appointment proved more conducive than might have been expected to the peace of the province, which appears for some time to have sustained no other interruption than what arose from the

1688. rumour of an Indian massacre. In the midst of the consternation which this report excited, Caleb Pusey, a quaker, volunteered to go to the spot where the Indians were said to have assembled in preparation for their bloody design, provided the council would appoint five other deputies to accompany him, and who would agree, like him, to present themselves unarmed to the Indians. On the arrival of this magnanimous deputation at the spot which had been indicated to them, they found only an Indian prince with a small retinue engaged in their usual occupations. The prince, on being apprised of the cause of their visit, informed the deputies that the Indians had indeed been disappointed to find that the price of a recent occupation of land had not yet been fully paid to them; but that, having perfect confidence in the integrity of the English, they were by no means impatient: he declared that the story of the projected massacre was a wicked fabrication, and that some Indian women who had contributed to give it currency deserved to be burned alive. One of the deputies having reminded the prince that the Indians

[6] Proud, 1. 295—300. 303—307. In a letter to these commissioners, some time after, he tells them, "They that live near to God, will live far from themselves; and, from the sense they have of his nearness and majesty, have a low opinion of themselves; and out of that low and humble frame of spirit it is that true charity grows. Oh that the people of my province felt this gracious quality abounding in them! My work would then be done, and their praise and my joy unspeakably abound. Wherefore, in the name and fear of God, let all old sores be forgotten as well as forgiven." Ibid. 333. This letter is dated from a mansion which politics and literature have since contributed to distinguish, *Holland House*, which Penn had made his residence on account of its vicinity to Kensington, where King James held his court.

and the English were the creatures of the same God; and equally the objects of his impartial love, which he showed by sending dew from heaven alike on their lands, and urged that the two races ought therefore to love one another, the prince replied, "What you have said is true; and as God has given you corn, I would advise you to get it in, for we intend you no harm." This amicable assurance, repeated by the deputies to their friends, delivered the province from an apprehension that had excited general dismay.

CHAP. II. 1682.

But Penn was far from deriving the satisfaction which he had expected from his commissioners of state; and his letters continued to repeat, though in a milder manner than before, his complaints of the detention of his quit rents, the neglect of his communications, and the disregard of his services. "*I believe I may say,*" was his expression on one of these occasions, "*I am one of the unhappiest proprietaries with one of the best people*[7]." From the numerous apologies contained in these letters for his continued residence in England, and his protestations that he found attendance at court as burdensome and disagreeable as a state of slavery in Turkey could be, it would seem that the people of Pennsylvania regarded his absence from them with much dissatisfaction. At length, Lloyd and some of the other quaker commissioners desiring that he would discharge them from their functions, it appeared to him that some farther change was necessary in the form of his provincial administration; and, having determined to commit his powers and his interests to the more active management of a single individual, who should be invested with the rank of deputy governor, he selected for this purpose Captain John Blackwell,

Penn dissatisfied with his commissioners—

July; appoints Blackwell deputy governor.

[7] "It is none of the endeavingest considerations," he adds in the same letter, "that I have not had the present of a skin, or a pound of tobacco, since I came over." Proud, i. 334.

BOOK VII. 1688.

one of Cromwell's officers, who had married the daughter of General Lambert, and was residing at this time in New England. The consequences of this appointment were, in truth, the reverse in all respects of those which had resulted from the preceding one; but, unfortunately, they were much more disagreeable and pernicious. Blackwell appears to have been very highly esteemed by Penn, and he probably exerted himself much more than his predecessors in the executive authority had done to vindicate the patrimonial interest of the proprietary; but he provoked the general indignation and disgust of the people by his arbitrary and illegal proceedings. "Rule the meek meekly," was the instruction of Penn to him; "and those that will not be ruled, rule with authority." But meekness was no part of the disposition of Blackwell; and violence and intrigue were the chief engines of his policy[8]. He commenced his administration by endeavouring, not without effect, to sow discord among the freemen, and to overawe the timid by a display of power. But he had mistaken the real character of the people over whom he presided; and was taught, by the issue of an obstinate struggle, that the profession of quaker meekness and submission is not inconsistent with the exhibition of unbending firmness and determined resolution. Finding that White, the individual who had given most displeasure to Penn, by urging the impeachment of Moore, had been chosen a delegate to the assembly, he resolved to debar him from attendance there; and for this purpose caused him to be thrown into prison on the most frivolous pretences.

Arbitrary conduct of Blackwell.

8 Penn appears to have been deceived into this appointment by a repute of which Blackwell proved to have been totally undeserving. He apologized to the people of Pennsylvania for the unhappy consequences that resulted from it, by stating that he had acted for the best, and had not selected Blackwell till he had found it impossible to prevail with any quaker to accept the office of deputy governor; yet, he added withal, "I must say, I fear his peevishness to some friends (quakers) has not risen out of the dust without occasion." Proud, i. 340.

A writ of *habeas corpus* was procured in behalf of White; but the execution of it was long impeded by the devices of Blackwell. Other practices, no less arbitrary and illegal, were employed by him for disabling men whom he disliked or suspected, from performing the duties of members of the provincial council. To give the assembly time to cool, after the commission of these outrages, he deferred the convocation of it as long as possible, and at length opened its session with a haughty and insolent harangue. His predecessors in authority had not considered it expedient to comply with the proprietary's desire of abrogating all the laws that had been made in his absence; but this measure was now announced by the deputy governor, with an insolence that would have discredited a more acceptable communication. The first proceeding of the assembly was a remonstrance against his arbitrary proceedings; and all that his utmost influence could effect on some of the members of this body, was to prevail with them to absent themselves from its sittings. This miserable manœuvre had no other effect than to provoke the assembly to declare that the secession of these members was a treacherous desertion of the public service. They passed, at the same time, a series of resolutions, importing, "That the proprietary's absence, as it may be to his disappointment, so it was extremely to the people's prejudice; that as to the project of abrogating all the laws, he had no right so to do, because every law was in force that had not been declared void by the king; that, even with the consent of the freemen, the proprietary could make no laws to bind the province, except in the way prescribed by the charter; and that as it was desirable, so it was also to be hoped, that no laws of any other make would be imposed upon the people." After a vain struggle with an opposition thus vigorously supported, Black-

CHAP. II.

1688.

1689. March.

Displeasure of the assembly.

BOOK VII.

December. 1689.

well was compelled to abandon his office, and depart from the province, leaving the executive authority once more in the hands of the provincial council, of which the presidency was resumed by Thomas Lloyd[9].

The ferment which had been excited during Blackwell's administration, whatever evil influence it may have exercised on the tempers of some of the colonists, was not permitted to retard in the slightest degree the rapid pace with which the general prosperity was advancing. On the contrary, a more vigorous spring seemed to have been imparted to the industry and general progress and improvement of the community,—as if the energy that was excited by the provocation given to the public spirit of the people, had diffused its influence through every occupation and department of life. It was in this year that the first institution for the education of youth was established in Pennsylvania. This was called *The Friends' Public School of Philadelphia;* at the head of which was placed George Keith, a celebrated quaker writer; and which was subsequently incorporated and enlarged by charters from the proprietary[1].

It had been happy for Penn, if he had sooner discovered how detrimental to all his interests this long absence from the colony, and residence at the English court, must inevitably prove. The revolution that had occurred in the close of the preceding year had abruptly destroyed that precarious favour of a tyrant, for the sake of which he had risked his popularity in England and his influence in Pennsylvania, and which had infatuated his understanding to such a degree, that he even continued to correspond with the fugitive monarch after his expulsion

[9] Proud, i. 332—340. Modern Universal History, xli. 7—9. Franklin's Historical Review of the Constitution of Pennsylvania. Chalmers, 652, 653.
[1] Proud, i. 343—345. Chalmers, 654, 655.

from the throne. That he was engaged in any of the plots, that were carrying on at this period for the restoration of James, there is truly no reason to believe; but as he voluntarily lingered in England for some time after the revolution had been accomplished, and never transmitted any instruction for proclaiming William and Mary in Pennsylvania, it is not improbable that he looked with some expectation to the success of these attempts[2]. To return to America was soon after put out of his power, by the consequences of the general suspicion which his conduct had excited in England. He was compelled to give bail for his appearance before the privy council; and though he more than once succeeded in justifying himself from the charges adduced against him, yet, finding that farther accusations continued to be preferred, and that a warrant had at length been issued for committing him to prison, he thought proper to sequester himself from public view, and to live for some time in a state of concealment. His name was occasionally inserted in the proclamations for the apprehension of suspected persons, that were issued, from time to time, by the English ministers; who were, however, too deeply engaged in more pressing and important affairs, to have leisure as yet to attend to the concerns of his Pennsylvanian sovereignty. During this retirement, his repose was invaded very disagreeably by tidings of factious disputes and dissensions among his people, and particularly by the rupture that took place between Pennsylvania and Delaware, and sepa-

CHAP. II.

1689.

1690.

[2] In a letter, written by him to his friends in Pennsylvania in January, 1689, he says, "Great revolutions have been of late in this land of your nativity, and *where they may period* the Lord knows." He adds, that "to improve my interest with King James for tender consciences" had been the main cause of his detention so long in England. Proud, i. 341. From a letter of Leisler, who at this period acquired so much celebrity at New York (*ante*, B. v. cap. ii.), to Bishop Burnet, it appears that he considered Pennsylvania as one of the strongholds of the jacobites in America, and that a considerable number of this party were then retiring from the other provinces to Pennsylvania and New Jersey, Chalmers, 667.

BOOK VII.

rated from each other two communities, for the conjunction of which he had laboured with a zeal that outstripped his usual equity and moderation.

1690.

Dissensions between the people of Delaware and Pennsylvania.

The increasing greatness of Pennsylvania had gradually excited the jealousy of the people of Delaware, who beheld with impatience their more ancient settlement dwindling into comparative insignificance, and verging into a mere fraction of a younger but more thriving community. The members deputed to the provincial council at Philadelphia from Delaware complained that they were deprived of a just share in the appointment of public officers, and at length endeavoured by intrigue to counterbalance the preponderance of their associates. Privately assembling, without the usual formality of

September.

an official summons, in the council-room, they proceeded to exercise the executive functions vested in the whole body, and issued warrants for displacing a number of public officers, and appointing others to fill their places. This proceeding was almost instantly declared illegal and void by a council more regularly convoked; but the waters of strife had now been let out, and could no longer be stayed. Penn, alarmed at the account of these dissensions, endeavoured to mediate between the parties, and desired them to make choice of any one of the three forms of executive administration which they had already respectively tried. He was willing, he said, to invest the executive power either in the council, or in five commissioners, or in a deputy-governor; and their choice would be determined by the recollection of which of these they had found the most

1691.

impartial in the distribution of public offices. The

January.

Pennsylvanians at once declared themselves in favour of a deputy-governor, and, anticipating the proprietary's approbation of their wishes, desired Lloyd to perform the duties of this office. The Delaware

counsellors, on the contrary, protested against this choice, and declared their own preference of a board of commissioners. They refused to submit to the government of Lloyd, and, withdrawing from the council, they returned to Delaware, where their countrymen were easily prevailed on to approve and support their secession. In vain Lloyd endeavoured, by the most liberal and generous offers to the Delaware colonists, to prevail with them to submit to an administration which he had reluctantly assumed, in obedience to the urgent and unanimous desire of the Pennsylvanians: they rejected all his offers; and, countenanced by Colonel Markham, the kinsman of the proprietary, declared that they were determined to have an executive government separate from that of Pennsylvania. Stung with vexation and disappointment at this result, Penn was at first inclined to impute the blame of it to Lloyd; but soon ascertaining how perfectly disinterested and well-meaning the conduct of this worthy man had been, he transferred his censure to the Delaware counsellors, and bitterly reproached them with selfish ambition and ingratitude. Hoping, however, by gratifying them in their present desire, to prevent the rupture from extending any farther, he granted separate commissions for the executive government of Pennsylvania and Delaware to Lloyd and Markham; the functions of the legislature still remaining united in a council and assembly common to the two settlements. By the friendly co-operation of Lloyd and Markham, this singular machinery of government was conducted with much greater harmony and success than the peculiarities of its structure, and the causes from which they had arisen, would have prepared us to expect[3].

Delaware obtains a separate executive government. April.

[3] Proud, i. 346—62. Clarkson, ii. 61. Penn seems to have expressed no disapprobation whatever of the conduct of Markham, of whom Proud indeed reports (i. 236) that "he had the proprietary's confidence and esteem till his death;" whence

BOOK VII.

1692.

George Keith's schism in Pennsylvania.

The following year was signalised in a manner still more discreditable to the province, and disagreeable to the proprietary, by a violent dissension among the quakers of Pennsylvania. This has been represented, by the party that proved weakest in the struggle, as a purely ecclesiastical quarrel, in which their adversaries, worsted in spiritual, had resorted to carnal weapons; and by the stronger, as a political effervescence, which the power of the magistrate was rightfully employed to compose. The disturbance originated with George Keith, a man eminently distinguished by the vigour and subtlety of his apprehension, by an insatiable appetite for controversy, a copious eloquence, and a vehement temper. To his religious associates, the quakers, he was recommended by his numerous writings in defence of their tenets, and more particularly endeared as the champion of their quarrel with the churches, ministers, and magistrates of New England—a country which, by a numerous body of the quakers, was long regarded with a feeling to which it is difficult to give any other name than that of vindictive dislike[4]. He had travelled in that country as a quaker preacher; and, adding the smart of personal controversy with the people to a resentment of the well-remembered wrongs which they had wreaked on his religious fraternity, he had accumulated against them a hoard of animosity, which all the prolixity of his publications seemed to be incapable of exhausting. With an animated vituperation, which was thought very *savoury* by the quakers as long as it was directed against their adversaries[5], he had condemned the

perhaps it may be inferred that the real purpose of Markham, in placing himself at the head of the factious counsellors of Delaware, was to retain over them an influence favourable to the authority of the proprietary.

[4] See Note XVI.

[5] On a retrospect of his character, however, after they themselves had become his adversaries, the quakers discovered that, even before his schism with them, and even in his treatment of the people of New England, he had "had too much life in argument," had "exhibited an unbecoming vanity on victory thereby ob-

government of New England for the severities inflicted by it heretofore upon enthusiasts, with whose extravagance, as well as whose sufferings, it appeared that he himself was too much inclined to sympathise. Even those quakers, who were possessed of that moderate spirit which was gradually leavening the whole of their society, and was utterly opposed to the wild extravagance by which their brethren in New England had provoked their fate[6], were flattered by publications which artfully turned the shame of quakerism into its glory, and added the honours of martyrdom to the other evidences of their claim to a revival of primitive christianity. His eminent repute with his fellow sectaries had recommended him first to the appointment of surveyor-general of East Jersey, and more recently to the mastership of the quaker seminary of education established at Philadelphia. From real conviction, from an inveterate habit of controversy, or from ambitious desire to gain a still higher eminence among the quakers than he had already attained, he began at length to utter censures upon various particulars in the conduct and usages of his fellow sectaries in Pennsylvania. He complained that there was a great deal too much slackness in the system of quaker discipline, and that very loose and erroneous doctrine was taught by many of the quaker preachers. He insisted that, as the infliction and even the violent resistance of evil was inconsistent with Christian meekness and brotherly love, no quaker ought to be concerned in "the compelling part of government," and much less ought any such to retain negroes in a state of slavery[7]. His

tained by him over his opponents," and altogether conducted himself "in a very extravagant manner." Proud, i. 364.

[6] *Ante*, B. ii. cap. iii.

[7] It is less remarkable that this latter feature of his doctrine should have been unnoticed by Proud, than that it should have escaped the observation of Clarkson, who, in his life of Penn, speaks of Keith with unmixed contempt; and in his History of the Abolition of the Slave Trade refers to a period four years later, as

BOOK VII.

censures had in some respects a substantial reality, and in others at least a reasonable show, of just application, that rendered them only the more irritating to the minds of those whom he rebuked without being able to convince. Supported by a respectable company of adherents, and particularly in some of his views by the German emigrants, who from the first had protested against negro slavery as utterly inconsistent with quaker christianity, Keith appears to have encountered the opposition which his new doctrines received from the majority of the quakers, with as much vehemence as he had displayed in his previous contests with their common enemies. A regular trial of strength ensued between the two parties in the quaker society; and the adversaries of Keith, finding themselves supported by a majority, published a *declaration or testimony of denial* against him. In this curious production they expressed their deep regret of "the tedious exercise and vexatious perplexity" which their late friend, George Keith, had brought upon them. "With mourning," they declared, "and lamentation do we say,—How is this mighty man fallen!—How is his shield cast away!—How shall it be told in Gath!—Will not the daughters of the uncircumcised triumph?" They proceeded to accuse him of uttering against themselves "such unsavoury words and abusive language, as a person of common civility would loath;" and in particular with having assured them on various occasions, "and upon small provocations, if any," that they were *fools, ignorant heathens, silly souls, rotten ranters,* and *Muggletonians,* "with other names of that infamous strain,

1692.

April.

the era of the first effort of the American quakers to mitigate the evil of negro slavery. Gabriel Thomas, a quaker, contemporary with Keith, the friend of Penn, and the earliest historian of Pennsylvania, expressly ascribes to Keith the particular doctrine to which I allude; and Dr. Franklin, in one of his letters, mentions that he had seen the protestation against negro slavery, that was issued at this period by Keith and his followers.

thereby, to our grief, foaming out his own shame." They accused him of asserting that quakerism was too often a cloak of heresy and hypocrisy; and that more diabolical doctrine passed current among the quakers than among any other description of Protestant professors. As the climax of his contumacy, they alleged, that when they had *tenderly dealt* with him for his abusive language and disorderly behaviour, he had insultingly answered, *that he trampled their judgment under his feet as dirt*[8]; and that he had since set up a separate meeting, whose proceedings had rendered the religious reputation of the bulk of the quakers "a scorn to the profane, and the song of the drunkard." CHAP. II. 1692.

Keith, who had by this time collected around him a numerous concourse of adherents, whom he styled *Christian quakers*, while he bestowed on all the rest of the quaker community the opprobrious title of *apostates*, did not fail to answer this declaration by an address which contained a defence of himself and his principles, and an illustration of the various acts of apostacy committed by his adversaries. This publication presented so ludicrous a contrast between the sectarian principles and the magisterial conduct of these persons, that it fairly transported them beyond the bounds of quaker patience, and convinced them that what had been hitherto regarded as a mere ecclesiastical dispute, ought now to be resented as a political quarrel. They declared, that though a tender

[8] These very words, long before addressed by William Penn to an English magistrate, who was committing him to Newgate (Clarkson, i. 100) for refusing to take an oath, had been hitherto current and respected among the quakers, as importing no more than a magnanimous contempt, or decent disdain. However deficient in meekness and courtesy, they were certainly much less so than a great deal of the language that, about this period, was exchanged between many of the quaker writers and their adversaries. One Bugg, a quaker, having about this time deserted the society and quarrelled with his friends, maintained a literary warfare with them that tended much more to promote the mirth than the edification of mankind. I have seen an address to Bugg, from his ancient associates, in which they greeted him with numerous abusive allusions to the unsavouriness of his name.

BOOK VII.

1692.

meekness should undoubtedly characterize their notice of offences committed against them in their capacity of quakers, yet a magisterial sternness was no less incumbent upon them, in the visitation of offences that tended to "lessen the lawful authority of the magistracy in the view of the baser sort of the people." Keith, the author of the address, and Bradford, the printer of it, were both (after an examination which the other magistrates refused to share with their quaker brethren) committed to prison; Bradford's printing-press was seized, and both Keith and he were denounced, by proclamation, as seditious persons, and enemies of the royal authority in Pennsylvania. Bradford, who relied on the protection of English constitutional law, compelled his prosecutors to bring him to trial for the offences they had laid to his charge; but though he was acquitted by the verdict of a jury, he had incurred such pecuniary loss, and found himself the object of so much active dislike, that he was compelled to remove his printing establishment from Pennsylvania. Keith was brought to trial shortly after, along with Francis Budd, another quaker, for having, in a little work which was their joint production, falsely defamed a quaker magistrate, whom they had described as *too high and imperious in worldly courts.* They were found guilty, and sentenced to pay a fine of five pounds [9]. Retiring soon after to England, Keith published an account of the whole proceedings against him, in a pamphlet which he entitled "*New England spirit of persecution transmitted to Pennsylvania, and the pretended quaker found persecuting the true quaker.*" So extensive was his influence, both in England and America, that for some time it was doubted whether he and his friends, or the party

[9] Penn, writing to a friend in America, declares that the report of this trial had excited much disgust in England, and induced many to exclaim against the fitness of quakers to administer municipal authority. Proud, i. 376.

opposed to them, would succeed in eclipsing the others, and securing to themselves the exclusive possession of the quaker name. But the career of Keith, as a quaker, was suddenly abridged, and his influence in the society completely overthrown, by a consequence which it is probable that neither he nor his opponents anticipated from the commencement of their disputes. In the course of his labours in that wide field of controversy, which the attacks of his various adversaries in Pennsylvania and New England spread before him, Keith succeeded (to his own satisfaction at least) in refuting all the peculiar tenets, that had ever been common to himself and the quakers; and, scorning to conceal the desertion of his original opinions, he hesitated not to declare himself a convert from the quaker society, to the church of England. This secession was a death-blow to the influence of that party, which had hitherto espoused his sentiments; and which, henceforward, either gradually coalescing with a more powerful majority, or peaceably submitting to a sentence of expulsion, contributed alike to the ascendancy of principles which originally it had hoped and intended to subvert. When Keith finally declared himself the antagonist of quakerism, he encountered the most active opposition from William Penn; but till then, the treatment which he had experienced in Pennsylvania, had been a source of the utmost regret and disapprobation to the proprietary [1].

[1] G. Thomas' Hist. of Pennsylvania, 52, 3. Proud, i. 345. 363—376. Clarkson's Hist. of the Abolition of the Slave Trade, i. 136. Thomas' Hist. of Printing in America, ii. 10. 24. Proud's account of these proceedings bears evident marks of partiality. It is amusing to observe his grudge against Keith and Bradford, for having dated a paper, which they published, from the prison to which they had been committed.

George Keith, after his embracement of the doctrines of the Church of England, was sent back again as a missionary to America, by the English Society for the Propagation of the Gospel; and in his labours to convert the Indians, is said to have been much more successful than any of the votaries of his former tenets. Oldmixon, i. 146.

BOOK VII.

1693.

The government that had been formed in England by the revolution, having now completed the arrangements that were necessary for its establishment and security at home, had leisure to extend its cares to the colonial communities at the extremity of the empire. In the histories of the other American settlements, we have seen instances of the eagerness which King William and his ministers evinced to appropriate to the crown the appointment of the provincial governors. The situation of the proprietary of Pennsylvania, together with various circumstances in the recent history of this province, presented a favourable opportunity of repeating the same policy, and, indeed, furnished a much more decent pretext for it than had been deemed sufficient to warrant an invasion of the rights of the proprietary of Maryland. Penn was generally suspected by the English people of adherence to the interests of his ancient patron James the Second; and in consequence of a charge of this nature (though supported only by falsehood and perjury[2]) he had absconded from judicial inquiry, and was living in concealment. In Pennsylvania the laws had been administered in the name of the banished king, long after the government of William and Mary had been recognised in the other colonies; and the dissensions which Keith's schism had excited were magnified into the appearance of disorders inconsistent with the honour of the British crown.

Penn is deprived of his authority by King William.

Fletcher appointed governor.

Fortified with such pretexts for the royal interposition, King William issued a commission, depriving Penn of all authority in America, and investing the government of his territories in Colonel Fletcher, who had also been appointed the governor of New York. Penn, who regarded this proceeding as a

[2] The author of the charge from which Penn withdrew himself, was the notorious Fuller, who was afterwards condemned to the pillory, for the detected falsehood of the charges which he had preferred against other distinguished persons.

tyrannical usurpation of his rights, adopted the strange defensive precaution of writing to Fletcher, beseeching him, on the score of private friendship, to refuse compliance with the king's commission; but an effort of this irregular description could not possibly avail him, and the government was quietly surrendered to Fletcher, who appointed, first Lloyd, and afterwards Markham, to act as his deputy. In the commission to Fletcher, no manner of regard had been expressed to the charter of Pennsylvania; and the main object of his policy was to obtain a recognition of the dependence of the province on the crown. This involved him in a series of disputes with the assembly, who passed an unanimous resolution, "that the laws of this province, which were in force and practice before the arrival of this present governor, are still in force;" but afterwards judged it expedient to acquiesce in the arrogation, that the liberty of conscience which they owed to the wisdom and virtue of William Penn and themselves, was bestowed on them by the grace and favour of the king. Farther than this, the governor found it impossible to bend them to his wishes. One object to which he strenuously laboured to obtain their concurrence, was a general contribution in aid of the defence of the frontiers of New York against the arms of the French. Finding it necessary to reinforce, by argument, the authority of a royal letter which he produced for this purpose, he reminded them that the military operations carried on at this frontier contributed to the defence of the other colonies as well as New York, and that it was unjust to burden this province with the sole charge of proceedings which were indispensible to the general safety. He was aware, he said, that the quaker principles which prevailed among them forbade not only the carrying of arms, but the levying of money even for the support of defensive war: but he hoped they would not

CHAP. II.

1693.

April.

1694.

March.

BOOK VII.

1694.

refuse to feed the hungry and clothe the naked, which were certainly Christian virtues, and which the hunger and nakedness of the Indian allies of New York now presented them with a favourable opportunity of exercising. This ingenious casuistry, which the quakers might well have regarded rather as an affront to their understandings than a concession to their principles, proved, on the present occasion, quite unavailing;—to the no small displeasure of William Penn, who, on being reinstated in his government, reproached the assembly with their refusal to contribute towards the common defence, and desired that a sum of money for this purpose should forthwith be levied and remitted to New York [3].

In addition to the other disappointments and misfortunes that had recently befallen the proprietary of Pennsylvania, he had now to lament a sensible diminution of the esteem he had enjoyed with the members of his religious society in England. They reproached him with having *meddled more with politics, and the concerns of the English government, than became a member of their Christian body;* and would not admit the benevolent motives of his conduct, or the benefit which they themselves had personally reaped from it, as a sufficient apology for the scandal it had created, and the evil example it had afforded [4]. In the midst of so many adverse circumstances, involving the desertion of ancient friends, and the disappointment of almost every object of temporal satisfaction which he had proposed to him-

[3] Proud, i. 377—397. Dillwyn, *apud* Winterbotham, ii. 293.

[4] *Lower*, a quaker, the friend of Penn, and in good repute with the rest of the Society, undertook to mediate a reconciliation between them, and for this purpose drew up the following apology, which was to be subscribed and distributed by Penn:—"If in any things, during these late revolutions, I have concerned myself, either by words or writings (in love, pity, or good-will to any in distress), *further than consisted with truth's honour or the church's peace*, I am sorry for it; and the government having passed it by, I desire it may be by you also." Clarkson, ii. 98. Whether this apology was presented or not, is unknown: but a reconciliation took place shortly after between Penn and the quakers.

self, his retirement was penetrated by the grateful kindness of that illustrious man, whom once, in circumstances resembling his own present situation, he had endeavoured to befriend. John Locke, who was now in the enjoyment of considerable favour at the English court, convinced of Penn's innocence, and mindful of the friendly intercession which Penn had made in his behalf with King James, when he was an exile in Holland [5], offered to employ his interest to procure him a pardon from King William. But the dignity of Penn's virtue was rather elevated than depressed by adversity: and emulating the magnanimity by which his own similar kindness had been formerly rejected by Locke, he declared, that, as he had done nothing blameworthy, he would not consent to stain his reputation by accepting a pardon [6]. The retirement thus virtuously preserved, contributed no less to the refinement of his character than to the extension of his fame; and was signalised by the publication of a series of literary performances replete with learning, genius, and mild benevolence. In a short time, the clouds that had gathered around his fortunes began to disperse; the quakers became completely reconciled, and as much attached as ever to him; and the good offices of Lord Somers, Locke, and other friends, concurring with the justice of his cause, and the detection of impostures committed by one of his accusers, succeeded in undeceiving the English court, and obviated every pretence for continuing to exclude him from the enjoyment of the privileges conferred on him by the charter of Pennsylvania. A royal warrant was accordingly issued for reinstating him in his proprietary functions; in the exercise of which he proceeded forthwith to invest his kinsman, Markham,

August. Penn's authority restored.

[5] *Ante*, B. IV. Cap. i.

[6] This was not the only point of similarity in the histories of these distinguished persons. Both had been the dupes of very bad men (Shaftesbury and James the Second), and both suffered unjustly for their connexion with them. Both were expelled from the university of Oxford.

BOOK VII.

with the office of deputy-governor of his whole territories—thus again re-uniting the executive administration of Pennsylvania and Delaware [7].

1694.

1695. Pennsylvania, meanwhile, continued to increase its population with such rapidity, that, about this period, the number of inhabitants (exclusive of negro slaves), was estimated at twenty thousand. A considerable change was observed soon after the English Revolution in the character of the emigrants, who, though generally respectable persons, yet showed very plainly, in many parts of their conduct, and especially in their reluctance to embrace the measures that were proposed for mitigating the evils of negro slavery, that views of temporal enrichment had much more powerfully influenced them in resorting to America than religious zeal. The formality of apparel and simplicity of manners peculiar to the constitutions of the quakers, served to purify their body by confining its attractions to sober-minded men; and enforced the example of industry, by increasing its efficacy in conducting to a plentiful estate. But the temporal advantages thus closely associated with quaker manners had latterly tended to produce a practical relaxation of the strictness and spirituality of quaker principles, and to adulterate the motives from which the profession of these principles was embraced. The attractions of Pennsylvania as a sanctuary of liberty of conscience had been comparatively diminished to the English dissenters by the Revolution; but its attractions, in other respects, continued

[7] Proud, i. 400—404. Clarkson, ii. 77—97. Mr. Clarkson's statement, that this warrant was expressed in a manner particularly creditable to William Penn, is erroneous. The abstract he has given of its import is equally so, and shows him to have been misled by some defective copy of the instrument, which in reality commenced in this manner:—"Whereas upon information, that, by reason of great miscarriages in the government of our province of Pennsylvania, in America, and the absence of the proprietor, the same was fallen into disorder and confusion," &c. The reason assigned for restoring him is, that he "has given us good assurance that he will take care of the government of our said province and territories, and provide for the safety and security thereof."

unabated, and, by the widely-diffused influence and correspondence of Penn, were circulated through all parts of the British empire. Already many persons who in England had found it difficult to gain a livelihood, had in Pennsylvania amassed estates to the value, some, of many thousands, more, of many hundreds of pounds. The accounts that were published in England of the wages of labour in the province attracted thither a considerable number of persons in the humblest walks of life, who had the expenses of their transportation defrayed by the wealthier individuals, to whom, for a series of years, they engaged themselves as servants. But the improvement in the condition of these people was so rapid, that a want of labourers, and the exorbitancy of the wages that were necessary to retain free men in that condition, were continual subjects of complaint[8]. These circumstances, concurring with the example of the neighbouring colonies, had originally introduced, and now continued to prolong, the subsistence of negro slavery in the province; and this vile institution, by degrading servitude, and rendering it a condition still more undesirable to free men, promoted the causes from which itself had arisen. It required more virtue than even the quakers were yet capable of exerting, to defend themselves from the contagion of this evil, and to induce them to divide the produce of their lands with their labourers, in such proportions as might have enabled them to employ only free labour in their cultivation.

CHAP. II. 1695.

During the interval that elapsed between the restoration of Penn to his proprietary authority, and his second visit to his people, some change was introduced into the form of the provincial constitution. Markham had repeatedly pressed the assembly to

1696.

[8] G. Thomas, 30. 34. 38. Oldmixon, i. 152.

BOOK VII.

1696. authorise the levy of a sum of money, to be remitted to the governor of New York, for the support of the war; or, as it was decently declared, for the relief of the poor Indians; and Penn, in his letters from England, had reinforced this application by declaring, that the preservation of the proprietary government would again be endangered by their refusal to comply with it. This appeared to the assembly a favourable opportunity of obtaining a change which they had long desired to effect, in the distribution of the legislative functions between themselves and the governor and council; and showing plainly that, without this equivalent, they were determined not to wave their scruples to a contribution for hostile purposes, they compelled Markham to consent to the passing of a new act of settlement, which formed the third *frame* or charter of the Pennsylvanian constitution. By this new compact, it was provided, that from each county there should be chosen only two persons to represent the people in council, and four as their representatives in assembly; the council being thus reduced in number from eighteen to twelve, and the assembly from thirty-six to twenty-four. It was farther stipulated, that the assembly should regulate its own adjournments, and should be no longer confined to a simple assent or negation to legislative propositions originating with the governor and council, but should share with them the privilege of preparing and proposing laws. On receiving this boon, the assembly passed an order for raising the sum of three hundred pounds, to be remitted to the governor of New York, *for the relief of the distressed Indians* on the frontiers of his province [9]. Governor Fletcher wrote to Markham in the following year, declaring that the money

November. Third frame of government.

Quaker accession to war.

1697.

[9] It was almost at the very same time that Archdale, the quaker governor of Carolina, introduced into this province a law for the formation of a militia. *Ante*, B. IV. cap. ii.

had been faithfully applied to the feeding and clothing of the Indians, and desiring a fresh supply for the same benevolent purpose. The assembly, in reply to this proposition, desired that their thanks might be conveyed to Fletcher for "his regard and candour to them" in applying their former remittance to the use they had intended; adding, that although, for the present, they must decline to impose farther burdens on the province, they would always be ready to observe the king's farther commands, "according to their religious persuasions and abilities." Thus early did the quakers experience the difficulty of reconciling their religious principles with the administration of political power. It was but a few years after, when, in answer to a requisition from William Penn, in the king's name, for a sum expressly intended for the erection of forts and batteries at New York, the Pennsylvanian assembly assigned their poverty, and the partiality which imposed upon them so many exactions from which other and older colonies were exempted, as the only reasons for deferring to comply with the king's commands, "so far as their abilities and religious persuasions shall permit[1]." This *salvo*, which was always inserted on such occasions, for the honour of quaker consistency, never prevented the quakers of Pennsylvania from contributing, as the subjects of a military government, their full contingent to the sinews of war. In voting grants of money which were expressly demanded, and which they well knew would be employed to impel the rage of war, and reward the ferocity of savages whom they had professed their anxious desire to convert and civilize, it was always attempted by the substitution of some other alleged purpose, to shift the sin from themselves to their military superiors, or at least to draw a decent veil over concessions which they could neither with-

CHAP. II. 1697.

[1] Proud, i. 406–417. 425, 426. and ii. Append. No. IV.

BOOK VII.

hold nor avow[2]. This veil was not without its use, if it contributed to maintain among the Pennsylvanian

1697. quakers that respect for their pacific tenets which they displayed in the following century, when the English government, endeavouring to push them into a still more active and unequivocal co-operation with military measures, they sacrificed to their principles the possession of political power. To the real dereliction of these principles, however, which was suffered to gain admission among them under the cover of this veil, may perhaps, in part, be ascribed that schism which produced the sect or party of *Free Quakers*, who, during the war of independence, took arms against Great Britain, and have since continued to profess the lawfulness of defensive war.

1698. 1699. The colony continued to glide on for some time in a course of tranquil prosperity, interrupted at length by an event which had been now too long deferred to be capable of producing the beneficial consequences which at one time were fondly expected to ensue from it—the return of the proprietary to his American

Penn's second visit to his colony. October. dominions. On this second occasion, accompanied by his family, and professing his intention to spend the remainder of his life in Pennsylvania, his arrival was hailed with general, if not universal satisfaction,—of which the only visible abatement was created by the first visitation of that dreadful epidemic the *yellow fever* (since so fatally prevalent) at Philadelphia[3]. Some young men having ventured, in op-

[2] Dr. Franklin mentions an instance some years after, of a requisition addressed to the assembly of Pennsylvania, of a grant of £2000 for the purchase of gunpowder; to which the assembly replied, that, consistently with quaker principles, they could not grant a farthing for such a purpose, but had voted £2000 *for the purchase of grain*. Various instances of accession to war, still more unambiguous, on the part of the American quakers, are related in Kalm's Travels in North America, vol. i.

[3] *Thomas Story*, an eminent preacher among the quakers, and afterwards recorder of Philadelphia, thus describes the impression produced by the prevalence of this epidemic:—"Great was the majesty and hand of the Lord; great was the fear that fell upon all flesh: I saw no lofty or airy countenance, nor heard any vain jesting to move men to laughter; nor extravagant feasting to

position to the commands of the magistrates, to salute the proprietary on his arrival with a discharge of artillery, performed this operation so awkwardly, as to occasion a severe injury to themselves; which the quakers seem to have regarded as a providential rebuke of a tribute so unsuitable to a member of their fraternity. The very first transactions that took place between Penn and his provincial assembly were but ill calculated to promote their mutual satisfaction. In the history of some of the other settlements (and particularly of Carolina and New York [4]), we have seen that the American seas were at this time infested by pirates, whose prodigal expenditure of money among their entertainers, and whose readiness to assist in evading the obnoxious acts of navigation, recommended them too successfully to the countenance of many of the North American colonists. Pennsylvania had not escaped this reproach, which Penn had communicated in letters to the assembly; by whom, while laws were readily enacted against the practices imputed to them, proclamations had at the same time been issued, declaring in the strongest terms that these imputations were unfounded. This disagreeable subject was resumed immediately after the arrival of Penn; and though the assembly still complained of the injustice of the reproach, it was found necessary to expel from it one of its members, the son-in-law of Colonel Markham, who was suspected of participating, or at least countenancing piracy. Still more productive of uneasiness were the applications which Penn was compelled by the British government to address to his assembly for levying money to be expended on military operations at New York; and which were answered only by

excite above measure the lusts of the flesh; but every face gathered paleness, and many hearts were humbled, and countenances fallen and sunk, as such that waited every moment to be summoned to the bar." Proud, vol. i. p. 422. How different this from Thucydides' description of the increased gaiety and profligacy produced by the plague at Athens.

[4] *Ante*, B. IV. cap. ii. and B. V. cap. ii.

BOOK VII. 1699.

complaints of the hardship of these exactions, and protestations of the inability of the province to comply with them [5]. But the most signal and unhappy disagreement that occurred between Penn and the assembly, arose from the measures which he now suggested for improving the treatment of negro slaves, and correcting abuses that had occurred in the intercourse between the colonists and the Indians.

Sentiments and conduct of the quakers relative to negro slavery.

It was impossible that the evils of slavery, and the repugnance of such an inhuman institution to the duties of Christianity, which *Baxter*, *Tryon*, and other writers had already pressed upon the attention of the protestant inhabitants of Christendom, could escape the sense of those benevolent sectaries, who professed to exhibit a peculiar conformity to the mildest and most self-denying precepts of the gospel. When George Fox, the founder of this sect, paid a visit to Barbadoes in 1671, he found the quakers, as well as the other white inhabitants, in possession of slaves. "Respecting their negroes," he relates among his other admonitions to the quaker planters, "I desired them to endeavour to train them up in the fear of God, as well those that were bought with their money, as those that were born in their families. I desired also that they would cause their overseers to deal mildly and gently with their negroes, and not use cruelty towards them, as the manner of some hath been and is; and that after certain years of servitude, they should make them free [6]." How conscientiously the quakers complied with this admonition is apparent, from a law passed

[5] Proud, vol. i. p. 416—423. 425. Clarkson, vol. ii. 211.

[6] Fox's Journal (3d edit.) 431. An earlier and more uncompromising resistance to slavery was made by some of the clergy of the church of Rome. At St. Luiz, in the year 1653, the celebrated Jesuit Vieyra scrupled not from the pulpit to declare, to a congregation of slave owners, that no man could hold a negro in slavery, without devoting his own soul to eternal slavery in hell. *Southey's* History of Brazil. Part II. cap. 26. This discourse, which Mr. Southey has preserved at full length, is, perhaps, the most eloquent and powerful denunciation of the system of slavery that ever was uttered or written by priest or layman.

by the legislature of Barbadoes five years after, commanding them to desist from giving instruction to negroes, and in particular from admitting them to their religious assemblages[7]: and how magnanimously they persisted to do their duty in the face of this unchristian command, may be inferred from an enactment of the same legislature in the following year, imposing a penalty on any shipmaster who should bring a quaker to the island[8]. The prosecution of such measures, and the adoption of a similar policy in others of the West India plantations, succeeded in banishing from these settlements an example which might have been attended with the most beneficial consequences to the interests of the planters and the happiness of the negroes; and compelled many quaker planters to emigrate to America, where they brought with them their modified opinions on the subject of slavery. Many of them probably entertained the intention of an entire compliance with the admonition of Fox, by setting their negroes at liberty after *certain* years of servitude: but this purpose was easily overpowered by the sophistry and temptation of self-interest, the contagion of general example, and the influence of habit in blunting the feelings of humanity.

By his acquisition of the Delaware territory, it is probable that Penn, on coming to the possession of his American domains, found the system of negro slavery already established within them. During his first visit, it appears that a few negroes were imported into Pennsylvania, and were purchased by the quakers, as well as the other settlers. While the scarcity of labourers enforced the temptation to this

[7] Oldmixon, vol. ii. p. 38. The preamble of this law sets forth, that "Whereas many negroes have been suffered to remain at the meeting of quakers as hearers of their doctrine, and taught in their principles, whereby the safety of this island may be much hazarded," &c. We find the legislature of Barbadoes, an hundred and fifty years after, enacting similar laws against the methodist teachers and preachers, and declaring that their doctrines were fitted to turn the world upside down.

[8] Clarkson's Abolition of the Slave Trade, vol. i. p. 135.

BOOK VII.

1699. practice, the kindness of quaker manners contributed to soften its evil and veil its iniquity; and it was not till the year 1688, that the repugnance of slavery itself, however disguised, to the tenets of Christianity, was first suggested to the Pennsylvanians by the emigrants who had resorted to them from Germany. Whatever taint the practice of the quakers might have derived from human infirmity, they were still anxious as a body to maintain the theoretical purity of their principles; and accordingly, in compliance with the suggestion of the Germans, a resolution declaratory of this undeniable truth was passed in the same year, by the annual meeting of the quakers of Pennsylvania. The effect of this generous homage to religious truth and the rights of human nature, however, was not carried beyond a practical exemption of the slaves of the quakers, from evils not inevitably inherent in the system of bondage. George Keith, as we have seen, made an attempt, in 1692, to bring the practice of his fellow-sectaries into a closer accommodation to their theory. But his violence and irregularity were not calculated to recommend his dictates to general esteem; and the increasing number of the slaves, together with the diversities of character among the colonists (to which I have already adverted), rendered the emancipation of the negroes increasingly improbable. In the year 1696, the annual meeting of the Pennsylvanian quakers repeated their former declaration, adding to it an earnest admonition to the members of their society, to refrain from all farther importations of negro slaves: but no other immediate effect seems to have resulted from this measure, than an increased concern for the welfare of the negroes, who in some instances were admitted to attend divine worship in the same meeting-houses with their quaker masters.

1700. On his second arrival in America, Penn seems very soon to have perceived, that from the varieties

of character among his colonists, and the inevitable tendency of absolute power to abuse, the negro slavery of Pennsylvania too much resembled, in some instances, the features of the same institution in other places. He was mortified with the discovery, at the same time, of numerous frauds and abuses that disgraced the character of the colonists in their traffic with the Indians. With the view of providing a remedy for both these evils, he presented to the assembly three bills which he had himself prepared: the first, for regulating the morals and marriages of the negroes; the second, for regulating the trials and punishments of the negroes; and the third, for preventing abuses and frauds upon the Indians. The assembly instantly negatived the first and last of these bills; acceding only to that which related to the trial and punishment of their slaves. No account is transmitted of any discussion or debate on the bills which were rejected; and indeed it is probable that the assembly, in this instance, were glad to confine themselves to the ancient formula of simply approving or rejecting the bills presented to them. But it is said by one of the biographers of Penn, that the feelings of the proprietary received *a convulsive shock* on the occasion. He had indeed been unanimously supported by his council, which consisted entirely of quakers, in proposing the bills; but he had seen them decisively negatived by an assembly, of which a great majority consisted of persons of the same religious persuasion. Though disappointed of the more extensive influence, which as a political legislator he had hoped to exercise, he was yet able, in his ecclesiastical ministry among the quakers, to introduce into their discipline regulations and practices relative to the purposes of the rejected bills, the spirit of which, at least, was by the example of this powerful sect forcibly recommended to general imitation. Monthly meetings were enacted

CHAP. II.

1700. June.

BOOK VII. 1700.

among the quakers, for the religious and moral education of their negro slaves; and regular conferences were arranged with the Indians, for communicating to them whatever instruction they could be prevailed on to accept. Penn finally obtained leave, or at least took it upon himself to make a treaty with the Indians, by which they acknowledged themselves subjects of the British crown, and amenable to the provincial laws; and by which certain regulations were prescribed, for preventing frauds upon them in their commercial dealings with the white population.

Thus was cherished in the quaker society a principle which about fifty years after obtained the signal triumph of procuring emancipation to all the negroes in America belonging to quakers; and thus, meanwhile, was cherished in the general body of the inhabitants of Pennsylvania a sense of what was due to the claims of human nature, which obtained for the slaves in this province a treatment far kinder and more equitable than they enjoyed in any other of the American states. Notwithstanding the encouragement afforded by the British government to the importation of negroes into all the American settlements, the slaves in Pennsylvania never formed more than a very insignificant fraction of the whole population of the province. Slavery subsisted longer in Delaware; and the slaves in this settlement, though not numerous, were rather more so than in the larger province of Pennsylvania [9].

9 Proud, vol. i. p. 423. 428—432. Clarkson's Abolition of the Slave Trade, vol. i. p. 136, 137. Ibid. Life of Penn, vol. ii. p. 218, 219. 225. Winterbotham, vol. ii. p. 417. Warden, vol. ii. p. 69. 125. In the course of his ministerial labours at this time, Penn visited his quaker brethren in Maryland, and appears to have been received in a friendly manner by his ancient adversary Lord Baltimore, who with his lady accompanied him to a quaker meeting. Penn regretted, for the sake of his noble companions, that the fervour of the meeting had subsided before their entrance; and lady Baltimore declared herself disappointed of the diversion she had expected. He had also various interviews with the Indians, who listened to him willingly as long as he confined himself to general allusions to religion. But when he desired on one occasion to direct their minds to the search of an internal manifestation of the Redeemer of the human race, his interpreter declared that there were no words in the Indian tongue that were capable of conveying such a notion.

To Penn himself, the Indians very readily paid a degree of respect, which

In addition to the other disagreeable impressions of which his second visit to America had been productive, William Penn had now the mortification of witnessing a revival of the jealousies between Delaware and Pennsylvania, and the inefficacy of all his efforts to promote a cordial union between the inhabitants of these countries. As a remedy for their mutual dissatisfaction, he had prepared a change in the frame of government: but the adjustment of this compact tended rather to inflame than allay the existing disputes. He endeavoured to defer the extremity to which their disputes manifestly tended, by various acts of conciliation towards the weaker and more jealous party, and particularly by convoking at Newcastle, the metropolis of Delaware, another assembly, which was held in the close of this year. But although he succeeded after many efforts in obtaining from this assembly a subsidy for the support of his government, and made some progress in arranging with them the terms of a new charter or frame of government, the mutual jealousies between the two settlements were displayed with such unreserve, that in almost every topic of consideration, the Delaware representatives, to a man, voted exactly the reverse of whatever was proposed or approved by the Pennsylvanians. The subsidy amounted to £2000, of which £1573 was the proportion imposed upon Pennsylvania, and the remainder upon Delaware. It was unwise, perhaps, of Penn to invite his people to the acceptance of a new social compact, at a time when they were so much heated by mutual jealousy, and when the union between the two settlements was evidently so precarious. It afforded a pretext not long after for taxing him with converting the public distractions to his own advantage, and ef-

Renewal of the disputes between Delaware and Pennsylvania.

they refused to extend to his religious tenets. Many of them believed him a being of a higher order than the rest of mankind; "nor could they for a long time credit the news of his death, not believing him subject to the accidents of nature." Farmer's View of the Policy of Great Britain, &c. (A. D. 1764.) p. 60.

BOOK VII.

1701. fectuating devices for the enlargement of his own power, while the minds of his people were too much occupied with their mutual dissensions to perceive the drift of his propositions.

But Penn had now determined again to leave America, and return to England; and while he naturally desired to have some frame of government finally established before his departure, his recent experience had doubtless impressed him with the conviction, that an extension of his own authority would render the constitution more subservient to the welfare of the people, and afford a freer scope to the promotion of views, and the exertion of influence, which must always be impartially directed to the general advantage.

September. In the last assembly, which he held before his departure, he had occasion to exert all his authority and address to prevent the representatives of Delaware and Pennsylvania from coming to an open rupture, and also to guard his own interests in the sale and lease of vacant lands, from an attempt of the assembly to exercise a control over them. A great many laws were passed; of which the most remarkable were, for the establishment of a post-office, for the punishment of the vices of *scolding* and drunkenness; for restraining the practice of drinking healths, October. and for the destruction of wolves. But the most Fourth and last frame of government. important proceeding on this occasion was the enactment of the new charter or frame of government, which Penn finally tendered to the assembly, and prevailed with six parts in seven of that body to accept, and even thankfully acknowledge. By this charter, it was provided (in conformity with the frame of 1696) that an assembly should be annually chosen by the freemen, to consist of four persons out of each county, or of a greater number, if the governor and assembly should so agree; that this assembly should choose its own officers, and be the sole judges

of the qualifications and elections of the members; that it should prepare bills, impeach criminals, and redress grievances; and possess all the other powers and privileges of an assembly, according to the rights of the freeborn subjects of England, and the customs observed in any of the king's plantations in America. The governor was empowered to summon, prorogue, and dissolve the assembly; to nominate his council; to discharge singly the whole executive functions of government, and to share the legislative, by affirming or rejecting the bills of the assembly[1]. It was declared that liberty of conscience should be inviolably preserved; that Christians of every denomination should be qualified to fill the offices of government; and that no act or ordinance should ever be made to alter or diminish the form or effect of this charter, without the consent of the governor for the time being, and six parts in seven of the assembly. But as it was now plainly foreseen that the representatives of the *province*, and those of the *territories*, would not long continue to unite in legislation, it was provided that they should be allowed to separate within three years from the date of the charter; and should enjoy the same privileges when separated as when connected. In the exercise of the new authority thus invested in himself, Penn proceeded to nominate a *council of state*, to consult with and assist the governor or his deputy, and to exercise his functions in case of his death or absence. The office of deputy-governor[2] he bestowed on Colonel Andrew Hamilton, who had formerly been governor of New Jersey.

[1] Mr. Clarkson has omitted to notice this important innovation, in his abstract of their charter. Dr. Franklin (in his Historical Review, &c.) comparing it with the corresponding innovation in favour of the assembly, admits, that, "upon the whole, there was much more reason for acknowledgments than complaints."

[2] No mention is made of the royal approbation of this appointment, which is expressly referred to in the appointment of Evans, the successor of Hamilton. By an act of parliament, already noticed in the history of Maryland, it was requisite now that all the acting governors in the proprietary jurisdictions should be approved by the king.

BOOK VII. 1701.

One of the last acts which he performed before his departure, the incorporation, by charter, of the city of Philadelphia, has been justly charged with great illiberality: though, according to the apology that has been suggested for it, the blame must be divided between himself and others. By this charter, he nominated the first mayor, recorder, aldermen, and common councilmen of the city; and among other privileges and franchises, empowered them to elect their successors in office, and even to increase their own number at pleasure. The city lands were granted to them, by the style of the mayor and commonalty of the city of Philadelphia; but the commonalty had no share in the government or estate of the city; the civic functionaries being self-elective, and not accountable to their fellow-citizens in any respect. It has been said that this municipal constitution, which was copied from the charter of the town of Bristol in England, was accorded by Penn to the desires of certain of his colonists who were natives of that place; and it is admitted that the functionaries whom he himself named, were men of integrity and abilities. But the possession of power, divested of control and responsibility, produced its usual effect on this corporate body; and the abuses engendered by its administration, were from a very early period a continual theme of discontent and complaint to the inhabitants of the city and the provincial assembly. Having finished these proceedings, and once more renewed a friendly league with the Indians, Penn communicated to his people an adieu, friendly and benevolent, but far less affectionate than his former valediction; and embarking with his family, returned to England [3].

Oct. 31. Penn returns to England.

The only reason that Penn assigned to his people

3 Proud, vol. i. p. 434—52, and vol. ii. Append. No. VI. Winterbotham, vol. ii. p. 413, 414. Dillwyn *apud eund.* 294, 295. Clarkson, vol. ii. p. 232—260.

for this second departure was the intelligence he had received of a project of the English ministers to abolish all the proprietary jurisdictions in North America, and the necessity of his own appearance in England to oppose a proceeding so derogatory to his interest: but as he found, on his arrival in this country, that the measure had been abandoned, and yet never again returned to America, it seems very unlikely that this was the sole or even the chief reason for his conduct. The disagreements that had taken place between himself and his colonists, had rendered their intercourse far less satisfactory than he could have desired, and induced him to supply the inadequacy of his own personal influence by a large addition to his political power; and from the numerous demands of the British government for contributions, in aid of military purposes, it was manifest that this power must be frequently exerted for the attainment of objects which, as a professor of quakerism, he could pursue with more decency and more vigour by the intervention of a deputy, than by his own personal agency. The disagreeable tidings that pursued him from America must have increased his aversion to return thither; and the favour he enjoyed with queen Anne on her accession, perhaps reawakened the views and hopes that had led him once before to prefer the courtly shades of Kensington, to the wild woods of Pennsylvania. His attendance at court, however, was soon interrupted by the perplexity and embarrassment of his private affairs (arising from the fraud of his steward), which compelled him to mortgage his American territory; and the same cause, concurring with increased dissensions between him and the colonists, induced him subsequently to bargain with the British government for a sale of his proprietary func-

CHAP. II.

1701.

1702. January.

BOOK VII.

tions[4]. The completion of the bargain, however, was prevented by his death, which transmitted the proprietary government to his descendants, by whom it was enjoyed till the period of the American revolution.

1702.

Penn had scarcely quitted America when the disputes between the province and the territories broke forth with greater bitterness than ever. The Delaware representatives protested against the charter; and, refusing to sit in the same assembly with the Pennsylvanian representatives, chose a separate place of meeting for themselves in Philadelphia. After continuing for some time to indulge their jealous humour, and to enjoy whatever satisfaction they could find in separate legislation, they were persuaded by the successor of Hamilton, Governor Evans (who was much more agreeable to them than to the people of Pennsylvania), to evince a more reasonable temper, and to propose a reunion with the Pennsylvanian assembly. But this body, provoked with the refractoriness which the Delaware representatives had already displayed, now refused to listen to their overtures of reconciliation. The breach thus became irreparable, and in the following year the separate legislature of Delaware was permanently established at Newcastle. In addition to the tidings of these prolonged disagreements and final rupture between the two settlements, Penn was harassed by complaints against the government of Evans, whose exertions to promote a militia, though they rendered him popular in Delaware, made him odious in Pennsylvania. Deriding the pacific scruples of the quakers, Evans falsely proclaimed the approach of a hostile invasion, and invited all who were willing to join

1703.

1704. Union of Pennsylvania and Delaware dissolved.

1706.

[4] He demanded as the price of this surrender £20,000, but agreed to accept £12,000.

him to take arms against the enemy. A few individuals, and among these, four quakers, duped by this stratagem, flew to arms, and prepared to repel the threatened attack. But the chief effect of the proclamation was to cause many persons to bury their plate and money, and to fly from their homes; and the detection of the falsehood was followed by an impeachment of the governor, and of Logan the secretary of the province, who though innocent of accession to the fraud, made himself suspected, by endeavouring to palliate the guilt of it. Penn, however, supported these accused officers, and thereby increased the displeasure that was beginning to prevail in the province against himself. He was now very little disposed to look with favour on the proceedings of the inhabitants of Pennsylvania; who, no longer engrossed with their disputes with the people of Delaware, began to scan with very dissatisfied eyes the whole course of his proceedings with respect to themselves. The assembly of Pennsylvania not only assailed him with repeated demands, that the quit-rents, which he deemed his own private estate, should be appropriated to the support of the provincial government, but transmitted to him a remonstrance, entitled *Heads of Complaint*, in which they alleged that it was by *his artifices* that the several charters granted at the first settling of the province had been defeated; that he had violated his original compact by the recent stretch of his authority so far beyond the limits within which he had engaged to confine it; and that he had received large sums of money during his last visit to the province, in return for benefits which he had promised to procure, but had never yet obtained for the people from the English government. They censured the original annexation of Delaware to Pennsylvania; reminding him that his title to the government of Delaware,

CHAP. II. 1706.

Complaints of the assembly against Penn.

BOOK VII. 1706.

not having been founded on a royal grant, was from the first very precarious; and *lamenting with great grief* that the privileges granted to the Pennsylvanians by his first charters, had been exposed to perish with the baseless fabric of the Delaware institutions with which he had associated them. Numerous extortions of his officers were at the same time complained of; and these were attributed to his refusal, in the year 1701, to affirm a bill that had been framed by the assembly for the regulation of official fees. Probably some of these complaints were founded in misapprehension, or suggested by factious malignity; and doubtless the discontent, which both on this and other occasions was expressed towards the proprietary, owed in some degree its origin to the peculiar relation which he held with the members of his own religious society in the province. They had always regarded the civil and political institutions of Pennsylvania as subordinate to the establishment and liberal encouragement of quakerism, and expected a degree of equality to result from the legislation of a quaker minister, which they would never have looked for from a lawgiver of any other persuasion. His own assurances, at the beginning, that in acquiring the province, his main purpose was to serve the truth and people of God[5], (which they understood to signify quakerism and the quakers), contributed to exaggerate their expectations in this respect.

Indignant at these charges against himself, and prejudiced by this feeling against the accusers of Evans, Penn continued to maintain this worthless individual in the office he had conferred on him, till his conduct had gone far to excite the people of Delaware to actual hostilities against their Pennsylvanian neighbours, in prosecution of an unjust demand for a toll on the navigation of the Delaware, which Evans

Misconduct of governor Evans.

5 See a Note to cap. i. *ante*.

had suggested to them. Receiving complaints of this, as well as of other instances of official malversation, on the part of his deputy-governor, and having ascertained, by a deliberate examination of them, that they were too well founded, Penn hesitated no longer to supersede Evans, and appointed in his place Charles Gookin, a gentleman of ancient Irish family, sometime retired from the army, in which he had served with repute; and who seemed qualified, by his age, experience, and the mildness of his manners, to give satisfaction to the people over whom he was sent to preside. Gookin carried out with him an affectionate letter from Penn to the assembly, in which their recent disagreements were passed over without any other notice than what may be inferred from a recommendation to his people as well as himself, of that humility with which men ought to remember their own imperfections, and that charity with which they ought to cover the infirmities of others. But the assembly were not so to be pacified. While they congratulated Gookin on his arrival, they revived in their address every topic of complaint that they had ever before preferred. Their ill-humour was augmented by the number of applications which Gookin was from time to time compelled to make, in the queen's name, for contributions in aid of the various military operations that related more immediately to the American colonies. To all these applications, the assembly invariably answered, that their religious principles would not suffer them to contribute to the support of war; but they voted the sums that were demanded, as *presents* to the queen.

1703.

he is superseded by Gookin.

1709.

Finding his people not so easily intreated to conciliation as he had hoped, Penn, now in his sixty-sixth year [6], for the last time addressed the assembly,

Penn's remonstrance to his people.

[6] Mr. Clarkson has miscalculated in supposing that Penn was in his seventieth year when he wrote this letter. Penn was born on the 14th October, 1644.

BOOK VII.

1710. April 29.

in a letter replete with calm solemnity, and dignified concern. It was a mournful consideration to him, he said, that he was forced by the oppressions and disappointments which had fallen to his share in this life, to speak to the people of *that province* in a language he once hoped never to have occasion to employ. In a style of serious remonstrance he appealed to them, if, at the expense of his own fortune and personal care, he had not conducted them into a land where prosperity and liberty, far beyond the common lot of mankind, had been made their portion; and if this work of his hands had yielded him aught else than the sorrow, disquiet, and poverty, that now depressed his old age[7]. "I must desire you all," he proceeded, "in a serious and true weightiness of mind, to *consider what you are, or have been doing;* why matters must be carried on with these divisions and contentions; and what real causes have been given on my side for that opposition to me and my interest which I have met with, *as if I were an enemy*, and not a friend, after all I have done. I am sure I know not of any cause whatsoever. Were I sensible you really wanted any thing of me, in the relation between us, that would make you happier, I should readily grant it, if any reasonable man would say it were fit for you to demand." He entered into a long deduction of the various alterations that the constitution of the province had received, and endeavoured to show that every one had arisen out of inconveniences of which all had been sensible at the time, and which all had willingly united in thus correcting. It was right, he contended, that the pro-

7 Notwithstanding this desponding strain, it is manifest from Penn's competition with Locke for the praise of superior legislation (see a note to B. III. *ante*), that he was by no means insensible to the imperishable fame assured to him as the founder of Pennsylvania. The services of Penn were not only more liberally remunerated, but more gratefully remembered by his people, than were those of Lord Baltimore by the colonists of Maryland.

prietary, who was personally responsible to the crown, for an administration conformable to the provincial charter, should be vested exclusively with the executive power. He could no longer, he said, impute the treatment he had met with, to mistakes in judgment,—seeing that he had such injuries to complain of as repeated attacks on his reputation; numerous indignities offered to him in papers sent over to England by the hands of men who could not be expected to make the most discreet and charitable use of them; insinuations against his integrity; attempts upon his estate; and disfavour shown to individuals (particularly Logan the secretary of the province), on account of their well known attachment to him. "I cannot but mourn," he added, "the unhappiness of my portion dealt to me from those, of whom I had reason to expect much better and different things; nor can I but lament the unhappiness that too many are bringing on themselves, who, instead of pursuing the amicable ways of peace, love, and unity, *which I at first hoped to find in that retirement*, are cherishing a spirit of contention and opposition, and, blind to their own interest, are oversetting that foundation on which your happiness might be built. Friends! the eyes of many are upon you; the people of many nations of Europe look on that country as a land of ease and quiet, wishing to themselves in vain the same blessings they conceive you may enjoy: but to see the use you make of them, is no less the cause of surprise." He concluded, by declaring, that the opposition he had received from them, must at length force him to consider more closely his own private and declining circumstances in relation to the province. He was willing to continue his kindness to them, if they should think him deserving of reciprocal regard. If it should be otherwise deemed by a majority among

CHAP. II. 1710.

BOOK VII. 1710.

them, let them say so at once; and he would know what he had to rely on. *And yet* he would hope that God might so direct them by the impartment of heavenly wisdom and holy fear, that "we may once more meet good friends, and live so to the end."

This letter is said to have produced a deep and powerful impression on the more considerate part of the assembly, who now began to feel for the father of his country, and regard with tenderness his venerable age; to remember his long labours, and to appreciate their own interest in his distinguished fame. These sentiments were rapidly propagated throughout the province; and their effect was apparent at the next annual election, when not one of the persons who had demonstrated enmity to Penn, and excited the rest of their countrymen to think unfavourably of him, was returned to the provincial assembly. But it is more than doubtful if this change of sentiment was ever known to its illustrious object, who was attacked shortly after by a succession of apoplectic fits, which suspending in a great degree the exercise of his memory and understanding, prevented him alike from completing an arrangement he had made with the crown for the sale of his proprietary rights, and from receiving the intelligence that would have induced him to consider such an arrangement unnecessary.

October.

State of Pennsylvania and Delaware at the close of the seventeenth century.

Little remains to be added to the view that has already been exhibited of the civil and political institutions of Pennsylvania and Delaware, at the close of the seventeenth century. Pennsylvania continued to retain the constitution enacted by Penn's last charter, in 1701, till the era of American independence; and Delaware continued to enjoy its own

[8] Proud, i. 435. 453—487. and ii. 1—54. 57, 58. Chalmers, 646. 654. Dillwyn *apud* Winterbotham, ii. 296. Clarkson, ii. 299—332. See Note XVII.

assembly, and to be subject to the executive administration of the governor of Pennsylvania till the year 1755, when it was formally erected into a separate state, and endowed with a separate government. No fixed salary seems to have been allotted to the governor of Pennsylvania; but sums of money were voted to him, from time to time, to defray the expenses of his government; and the amount of these was proportioned, in a great degree, to the favour he enjoyed with the representatives of the people. At the assembly which was held by Penn at Newcastle in the close of the year 1700, the remuneration allotted to the members consisted of six shillings a day for attendance, and threepence per mile for travelling charges. The speaker's daily allowance was ten shillings. The meeting of the assembly was indicated by the ringing of a bell; and any member entering half an hour after the appointed time, was fined tenpence. The humane code of criminal law, that was coeval with the first instance of Pennsylvanian legislation, continued in force till the year 1705, when it was abolished by Queen Anne as too little consonant with the spirit of English jurisprudence. But it was soon after re-established by the same princess, on the intercession of William Penn [9].

Although quakerism continued long to be the most prevalent religious profession in Pennsylvania, yet from a very early period the province had been resorted to by sectaries of various other denominations, and a church had already been built in Philadelphia for the reception of a congregation of 700 persons attached to the tenets and discipline of the church of England. Some displeasure is said to have been evinced by the quakers at the first proposal of this episcopal party to erect an organ in their church.

[9] Warden, ii. 128. Clarkson, ii. 239. 430.

BOOK VII.

The episcopalians and all the other sectaries unconnected with the quakers made frequent propositions for the establishment of a militia; but the quakers steadily refused to sanction such a proceeding by an act of the provincial government; though all who deemed the use of arms lawful were permitted to train themselves, and to adopt every military precaution for their defence that should not be inconsistent with the peace of the province [1]. Most of the offices of government were filled by quakers; and neither the duties of the bar, nor the functions of the bench, were deemed incompatible with their religious profession [2]. So early as the year 1686, a printing press was established at Philadelphia; and an almanack, for the following year, was printed at this press by Bradford [3].

When the Swedish colonists first occupied Delaware, they found the country infested with wolves, whose ferocity was soon after inflamed to an extraordinary pitch by the mortality which the small-pox occasioned among the Indians, and the increased quantity of prey that they derived from the unburied corpses of the victims of this pestilence. Both in Pennsylvania and Delaware, bounties continued to be paid for the destruction of wolves so late as the middle of the eighteenth century [4].

The *province* and the *territories*, but especially the former, appear to have enjoyed very soon a thriving trade with England, with the southern colonies of America, and with the West India settlements. Their exports consisted of corn, beef, pork,

[1] Oldmixon, i. 152, 153. 173.

[2] In the case of Kinsey, a quaker lawyer (afterwards attorney-general, and finally chief-justice of Pennsylvania), it was determined, after solemn debate, by the provincial government, that quaker lawyers should not be obliged to uncover their heads in addressing the judges. Proud, ii. 196, 197. 231.

[3] Thomas's History of Printing in America.

[4] Kalm's Travels in North America, vol. i. p. 285, 286.

fish, pipe staves, hides, tallow, and wool to the West India settlements; horses and other live cattle to the southern plantations; and peltry to England. Their direct trade with England was afterwards increased by the cultivation of tobacco, which was begun under Blackwell's administration, and so rapidly extended, that, in the beginning of the eighteenth century, fourteen ships sailed annually with that commodity from Pennsylvania. Their exports, however, were abridged in the year 1699 by an act of parliament (already noticed in the history of New Jersey) which prohibited the exportation of wool, whether raw or manufactured, from the American colonies. The province, at the same time, imported the produce of various English manufactures to the value of about £18,000 a year, and yielded a revenue of £3,000 to the customs of the crown. The consumption of English manufactures would probably have been larger, but that the German colonists had imported with them into Pennsylvania, the manufactures of paper, linen, and woollen cloth [5].

According to Oldmixon, whose history was published in 1708, the total number of inhabitants within the domains of William Penn then amounted to 35,000; a computation which the author himself terms a modest one, and which, as it includes Indians and negroes, is probably short of the truth. The town of Philadelphia, in 1696, contained two thousand houses, most of which are described as stately structures of brick; and Newcastle, the metropolis of Delaware, in the beginning of the eighteenth century, possessed 2,500 inhabitants [6]. For many years after its first occupation by the English, Pennsylvania continued to witness a rapid growth of its people, not only from a constant resort of emigrants,

[5] G. Thomas, 24, 25. 42. Oldmixon, i. 170. 172. Penn, *apud eund.* 180.
[6] Oldmixon, i. 178. 180. G. Thomas, 5.

BOOK VII.

whom its attractions invited from all parts of Europe[7], but from a native increase more vigorous than any society since the infancy of the world, has ever exhibited. Gabriel Thomas, who published his account of this province in 1696, declares that barrenness among women was unknown in Pennsylvania, and their celibacy, after twenty years of age, not less so; adding, with quaker plainness, that it was impossible to meet a young married woman there who had not a child in her body or one in her arms. The children born in the province he describes as in general "better natured, milder, and more tender hearted than those born in England[8]." The fertility of the soil, the general healthiness of the climate (notwithstanding the severe epidemics occasionally prevalent at Philadelphia), the liberal reward of labour, and the frugal, industrious, and regular habits diffused by the powerful example of the quakers, contributed to the promotion of this large increase, and rendered the people of Pennsylvania distinguished, even among the North American communities, as a moral and a happy race. The manners of a great proportion of the first race of quaker settlers, and of their immediate descendants, are said to have formed a pleasing exhibition of courteous benevolence, corresponding to the purpose with which their removal to America had been undertaken,—of facilitating the enjoyment of that affectionate intercourse which their tenets peculiarly enjoined. Some of the leading persons among the earliest quaker settlers were men who traced their lineage to the stock of the most ancient nobility of England, and in whom a sense of ancestral distinction was so tempered with the meekness of genuine quakerism, as to impart only a pa-

[7] In the year 1729 alone the number of emigrants from various parts of Europe to Pennsylvania amounted to 6,200. The greater part of these were Germans and Irish. Douglas's Summary.

[8] G. Thomas, 42, 43, 44, 45.

triarchal dignity to their manners. Their hospitality, in particular, was conducted with a grace and simplicity entirely patriarchal [9]. The people of Delaware appear to have been, in general, a less refined and enterprising, but not a less virtuous race. Penn himself has celebrated the good morals and sobriety of deportment of the Swedish and Dutch agriculturists. The Swedish church at Wilmington is reputed one of the oldest churches in North America [1].

Among the first race of Pennsylvanian settlers were many persons whose attainments in science and literature would have done honour to the most enlightened communities. James Logan, a quaker, and secretary of the province, was the correspondent of the most learned men in Europe; and several of his works, written in the Latin tongue (particularly a treatise on the generation of plants, and one on the properties of light), were published with much applause at Leyden. He enriched Philadelphia with a valuable library; and, in his old age, executed an admirable translation of Cicero's treatise *De Senectute*, which was afterwards printed with an encomiastic preface by Dr. Franklin. Thomas Makin, another quaker, and one of the earliest settlers in Pennsylvania, produced, in the beginning of the eighteenth century, a descriptive and historical account of the province, in a Latin poem, entitled, *Descriptio Pennsylvaniæ* [2], exhibiting with great force of thought and beauty of language, one of the most delightful pictures of national virtue and happiness that ever was presented to the admiration of mankind.

[9] Warden, ii. 98. Galt's Life of West, Part I. p. 11—14. "In the houses of the principal families, the patricians of the country," says Mr. Galt, "unlimited hospitality formed a part of their regular economy. It was the custom among those who resided near the highways after supper, and the last religious exercises of the evening, to make a large fire in the hall, and to set out a table with refreshments for such travellers as might have occasion to pass during the night; and when the families assembled in the morning, they seldom found that their tables had been unvisited."

[1] Winterbotham, ii. 465. [2] Proud, i. 211. 479; ii. 360, &c.

APPENDIX.

APPENDIX.

State and Prospects of the North American Provinces at the Close of the Seventeenth Century.—Sentiments and Opinions of the Colonists respecting the Sovereignty and the Policy of Great Britain, &c.

APPEND.

At the close of the seventeenth century, the British settlements in North America contained a population of more than three hundred thousand persons, distributed among the various colonial establishments, whose origin and early progress I have endeavoured to illustrate [1]. The formation of these colonies is by far the most interesting event of that remarkable age.

"Speculative reasoners during that age," says a great historian, "raised many objections to the planting of those remote colonies, and foretold that, after draining their mother country of inhabitants, they would soon shake off her yoke, and erect an in-

[1] From a comparison of the calculations of various writers, each of whom, almost invariably, contradicts all the others, and not unfrequently contradicts himself, I am inclined to think the following estimate of the population of the colonies at this period, nearly, if not entirely, correct. Virginia, 60,000; Massachusetts (to which Maine was then attached), between 70,000 and 80,000; Connecticut, 30,000; Rhode Island, 10,000; New Hampshire, 10,000; Maryland, 30,000; North and South Carolina, 10,000; New York, 30,000; New Jersey, 15,000; and Pennsylvania, 35,000. Even writers so accurate and sagacious as Dwight and Holmes have been led to underrate the early population of North America, by relying too far on the estimates which the local governments furnished to the British ministry for the ascertainment of the numbers of men whom they were to be required to supply for the purposes of naval and military expeditions.

APPEND. dependent government in America: but time has shown that the views entertained by those who encouraged such undertakings, were more just and solid. A mild government, and great naval force, have preserved, and *may still preserve, during some time,* the dominion of England over her colonies. And such advantages have commerce and navigation reaped from these establishments, that more than a fourth of the English shipping is at present computed to be employed in carrying on the traffic with the American settlements[2]." The apprehensions of depopulation, alluded to by this author, are noticed at greater length in the prior work of Oldmixon, who asserts, that "on this argument are founded all the reasons to excuse the ill-usage the plantations have met with;" and after demonstrating the absurdity of such a notion, appeals to the large increase which the trade and the revenue of England had already derived from the colonies, as affording a juster and more powerful argument for repairing this ill-usage, and introducing more liberal provisions into the English commercial code[3]. The apprehensions of American independence were no less the object of ridicule to the best informed writers, in the beginning of that century which was destined to witness the American revolution. "It will be impossible," says Neal, "for New England to subsist of itself *for some centuries of years;* for, though they might maintain themselves against their neighbours on the continent, they must starve without a free trade with Europe, the manufactures of the country being very inconsiderable; so that *if we could suppose them to*

[2] Hume's England, vi. 188.

[3] Oldmixon, Introduct. 19, &c. This author refers to a still earlier work in which the same topics had been enforced, entitled "Groans of the Plantations," by Judge Littleton of Barbadoes. The most distinguished writer on the other side of the question was Sir Dalby Thomas, an eminent merchant, who wrote an Historical Account of the Rise and Growth of the West India Colonies.

rebel against England, they must throw themselves into the arms of some other potentate, who would protect them no longer than he could sell them with advantage[4]." So slightly were the colonies connected with each other, and so much of mutual repugnance had been created by religious and political distinctions between them, that the probability of their uniting together for common defence against the parent state never occurred to this author. Nor will this be thought any great impeachment of his sagacity, when we consider that seventy years afterwards, the prospect, which had then begun to dawn, of an effectual confederacy of these colonies against England, was declared by a philosophical historian to be perfectly delusive and chimerical[5]. APPEND.

If Hume had studied the history and condition of the colonies, or if Neal and Oldmixon had added to this acquirement the sagacity of Hume, it is probable that he would not have adduced the *mildness* of the English government as one of the causes that were likely to retard the independence of America, which he perceived must ere long ensue; and that they would have discerned in the policy of the English government, an influence that powerfully tended to counteract the principles that separated the American communities from each other, and to unite them by a strong sense of common interest and common injury in a confederacy fatal to the pretensions of the parent state. Every added year tended no less to weaken the divisive influence of the distinctions imported by the original colonists into their settlements, than to enhance the sense of a common interest, and to fortify the power by which that interest might be defended. The character of *generous un-*

[4] History of New England, ii. 615.
[5] Raynal's America, B. II. cap. xv. sect. 4.

APPEND. *dertakings* which Hume very justly accords to these colonial establishments, expresses a praise which the English government had no pretension to share with the private individuals by whom they were founded[6]; and the mild policy, whether voluntary or not, which permitted the liberal institutions erected for themselves by these men to continue in existence, tended rather to abridge than to prolong the British dominion, by cherishing in the colonies a spirit and habit of liberty repugnant to the unjust and oppressive tenor of the English commercial restrictions[7]. The colonial empire of Spain would not have boasted a longer duration than that of England, if her settlements in South America had enjoyed as liberal constitutions as the North American colonies. "The policy of Europe," says a writer who perhaps equalled Hume in political sagacity, and certainly excelled him in acquaintance with colonial history, "has very little to boast of, either in the original establishment, or, so far as concerns their internal government, in the subsequent prosperity, of the colonies of America." Folly and injustice, he pronounces, were the principles that presided over the formation of all the colonial establishments; avarice of gold impelling the adventurers to the southern, and tyranny and

[6] The colonization of Georgia, which was not effected till 1732, was the only instance in which the English government contributed to the foundation of any of the North American states.

[7] See an account of the commercial restrictions that were imposed prior to the English Revolution, and an examination of their policy, *ante*, B. I. cap. 3. To the restrictions there described, there was added, before the close of the seventeenth century, a prohibition (noticed in the histories of New Jersey and Pennsylvania) of the exportation of wool from the colonies.

I have some doubts of the accuracy of a statement (derived from Neal) in B. II. cap. v. *ante*, of the colonists having been at one time restrained from working mines of iron and copper. Till the year 1750, the export of American iron was restrained by heavy duties, Raynal, B. IV. cap. vii.; and even the manufacture appears to have been subject to some inconvenient regulations, Oldmixon (2d Edit.), vol. i. p. 286. But even then, both iron and copper mines were worked in several of the states; and the success of these undertakings seems to have been chiefly obstructed by the dearness of labour. Douglas, vol. ii. p. 109. Winterbotham, vol. ii. p. 368.

persecution promoting the emigrations to the northern parts of America. The governments of the several parent states, he observes, contributed little or nothing towards effectuating the establishments of their colonies, and yet invariably attempted to enrich their own exchequers, and secure to themselves a monopoly of the colonial commerce [8], by regulations injurious to the freedom and prosperity of the colonists—a procedure, in which the particular policy of England was only somewhat less illiberal and oppressive than that of the other European states. "In what way, therefore," he demands, "has the policy of Europe contributed either to the first establishment, or to the present grandeur, of the colonies of America? In one way, and in one way only, it has contributed a great deal. *Magna mater virum!* It bred and formed the men who were capable of achieving such great actions, and of laying the foundations of so great an empire; and there is no other quarter of the world of which the policy is capable of forming, or has ever actually and in fact formed such men. The colonies owe to the policy of Europe, the education and great views of their active and enterprising founders; and some of the greatest and most important of them, so far as concerns their internal government, owe to it scarce any thing else [9]."

APPEND.

In the colonial establishments of the French, the Spaniards, and the Portuguese, the royal government was stronger and more arbitrary, and subordination more strictly enforced, than in the parent states. Illiberal institutions, remote from the power and splendour of the thrones to which they were allied, required to be guarded with peculiar strictness from the intrusion of opinions and practices that savoured of freedom. It was otherwise in the British colonies;

[8] See Note XVIII.
[9] Smith's Wealth of Nations, B. IV. cap. 3.

APPEND. where the grafts of constitutional liberty that had been transplanted from the parent state, expanded with a vigour proportioned to their distance from the rival shoots of royalty and aristocracy with which they were theoretically connected. Not only did these colonies enjoy domestic constitutions favourable to liberty, but there existed in the minds of the great bulk of the people, a democratic spirit and resolution that practically reduced the power of the parent state even below the standard of its theory. Many causes seem to have contributed to the formation of this spirit, and to the production of sentiments and habits conducive to its efficacy. All the colonial charters were extorted, by interest or importunity, from princes noted for arbitrary designs or perfidious characters; and no sooner had these charters produced the effect of collecting numerous and thriving communities in America, than some of them were, and all of them would have been, annulled, if the dynasty of the Stuarts had been much farther prolonged. The designs of these princes were not entirely abandoned by their successors at the British Revolution. For many years after, the American colonists were roused to continual contests in defence of their charters, which the English court made successive attempts to qualify or annul. These defensive efforts, and the success with which they were generally crowned, tended powerfully to keep alive an active and vigilant spirit of liberty in America. The ecclesiastical constitutions and the religious sentiments that prevailed in the majority of the provinces, were no less favourable to the nurture of liberal and independent sentiments. In Virginia, Maryland, and South Carolina, alone of all the states; —in the first, from its earliest settlement, and in the two others by a most unjust usurpation; the church of England was possessed of a legal pre-eminence, and maintained at the expense, not only of its own adherents,

but of all the other inhabitants, of whatever christian denomination [1]. In all the other states there existed, about the close of the seventeenth century, either an entire political equality of religious sects, or at least a very near approach to it; and in all these, not only were the inhabitants, by their general character of protestants, the votaries of a system founded on the rights of private judgment, but the majority of them belonging to that class which in England received the name of protestant dissenters, professed tenets which have been termed *the protestantism of the protestant faith*, and which peculiarly predisposed to a jealousy of civil liberty, and a promptitude to repel every arbitrary exertion of authority. Even the episcopal church where it existed, whether as the pre-eminent establishment, or as one among many co-equal associations, was stript of its aristocratical appendages, and exhibited neither a titled hierarchy nor a gradation of ranks among the ministers of religion. In civil life, a similar equality of ranks universally prevailed. No attempt was ever made to plant the proud distinction of *nobility* in any of the provinces, except in Carolina, where the institution soon withered and died [2]. Unaccustomed to that distinction of ranks which the policy of Europe has established, the people were generally impressed with an opinion of the natural equality of all freemen;

APPEND.

[1] The most remarkable dispute that occurred during the eighteenth century between England and Virginia, prior to the Revolution, was occasioned by an attempt of the English government to support the episcopal clergy of the province in a pretension which was disagreeable to the bulk of the people. The English government interfered to prevent the operation of a law prejudicial to the emoluments of the clergy; but the provincial tribunals refused to pay any attention to its mandate.

[2] Yet the mysterious nonsense of *free masonry* seems to have been introduced pretty early, and has continued to maintain a footing among the Americans. This is perhaps the only instance of the successful importation into America of one of these institutions so frequent in European states, which have become absurd by surviving the manners and principles in which they originated, but which are consecrated by time and the passion that mankind have for connecting themselves with antiquity.

APPEND. and even in those provinces where negro slavery had the greatest prevalence, the possession of this tyrannical privilege seems rather to have adulterated the spirit of freedom with a considerable tinge of arrogance, than to have contributed at all to mitigate or depress it. Except this inhuman institution, every circumstance in the domestic or relative condition of these provinces had a tendency to promote industry, good morals, and impressions of equality. The liberal reward of labour and the cheapness of land, placed the enjoyment of comfort, and the dignity of independence, within the reach of all; the luxuries and honours of England attracted the wealthy voluptuary and the votary of ambition to that more inviting sphere of enjoyment and intrigue; and the vast *wastes* or uncultivated districts attached to every province served as salutary outlets by which the population was drained of those restless disorderly adventurers who were averse to legal restraint and patient labour, and who, in the roving occupation of hunters and *back woodsmen* (as they have been termed), found a resource that diverted them from more lawless and dangerous pursuits, and even rendered them useful as a body of pioneers, who paved the way for an extension and multiplication of the colonial settlements. No trading corporations or monopolies restrained the freedom with which every man might employ his industry, capital, and skill; and no forest laws nor game laws confined the sports of the field to a privileged class of the community. No entails were admitted to give adventitious aid to natural inequalities, and perpetuate, in the hands of idleness and folly, the substance that had been amassed by industry and ability [3]. Happily for the

[3] At a subsequent period, the system of entails became prevalent in Virginia. Wirt's Life of Henry, p. 33. It was productive of great dislike and jealousy between the aristocracy and the yeomanry of the province. Ibid. *passim*.

stability of American freedom, it was impossible for the first generation of colonists to succeed in effectuating their settlements, and attaining a secure and prosperous establishment, without the exercise of virtues, and the formation of a character, that guaranteed the preservation of the blessings to which they had conducted. Even the calamities of French and Indian war with which some of the provinces long continued to be harassed, contributed to preserve a spirit and habits without which their people might have been unable in the eighteenth century to achieve their independence. If the later settlements of New Jersey and Pennsylvania were exempted in some degree from the discipline of those hardships and difficulties with which the commencement of all the other settlements was attended, they were happily peopled, in a great degree, by a class of sectaries whose habits and manners are peculiarly favourable to industry and good morals, and congenial to the spirit of republican constitutions. The quakers, indeed, have been much more successful in leavening American society with manners favourable to liberty, than with principles allied to their own political doctrines. APPENDIX

To England, the acquisition of these colonial settlements was highly advantageous. They enlarged her trade and revenues; they afforded a vast field in which her needy and superfluous population might improve their condition and dissipate their discontent; and, finally, they created for her a new nation of friends interested in her happiness and glory, and of customers, whose growing wants and wealth excited and rewarded the manufacturing industry of her people. All the nations of Europe derived advantage from the formation of these establishments, which disburdened their territories of great numbers of men, whom the pressure of poverty aggravated

APPEND. by defective civil institutions, and an aversion to the systems of their national churches inflamed by ecclesiastical intolerance, must have rendered either martyrs or rebels in their native land. The emigration from the continent of Europe, and especially from Germany, to America, during the greater part of the eighteenth century, was much more copious than the emigration from England. To the colonists, the subsistence of their peculiar connexion with England was likewise attended with some advantages. The acknowledged right and implied protection of England deterred all other European powers who were not at war with her from molesting them; while their chartered or traditionary constitutions opposed (after the English Revolution) a barrier to gross and open encroachments of the parent state herself on colonial rights and liberties. As their own strength and resources increased, the benefit of English protection was proportionally diminished, while the inconvenience of her commercial restrictions, and of participation in her politics and wars, was more sensibly experienced.

A considerable variety and indistinctness of opinion prevailed, both in England and America, respecting the precise import of the political relation subsisting between the two countries. It was at first the maxim of the English court, that the crown was the only member of the British constitution which possessed jurisdiction over the colonies[4]. All the charters were framed in conformity with this maxim, except the charter of Pennsylvania. The colonies were by no means uniform in the sentiments which

[4] A bill having been introduced into the House of Commons, in the reign of James the First, for regulating the American fisheries, Sir George Calvert, the secretary of state, conveyed to the house the following intimation from the king: "America is not annexed to the realm, nor within the jurisdiction of parliament; you have therefore no right to interfere." Colonial Tracts in Harvard Library, *apud* Holmes, i. 195.

they expressed on this subject. They complained very generally of an unjust usurpation of power over them by the British parliament, when the navigation laws were passed; and openly maintained on many occasions, that an act of the British parliament was not binding on America. Yet they scrupled not to complain of their grievances to the houses of parliament, and to invoke, from time to time, parliamentary interposition in their behalf. The New England states alone seem to have perceived from the first the advantage they might one day derive from adhering to the maxim, that they were politically connected only with the king, and not at all with the parliament; and with singular prudence forbore to ask favours from a parliament by which they were regarded with especial favour, lest they should seem to sanction parliamentary interference with their concerns. When the parliament enjoyed but an occasional existence, and was frequently, indeed generally, opposed to the court, the English monarchs resolutely maintained their exclusive jurisdiction over the colonies. When the parliament acquired greater power and permanence, it enforced, both on the court and the colonies, the acknowledgment of its supreme legislatorial jurisdiction. The colonies murmured against the trade laws: they often evaded them; and many persons still maintained that the parliament had no right to impose them. This opinion kept its ground, and would have been more generally and openly asserted, if the colonies had been able to enforce it, or had received encouragement from the crown. But the English ministers were now always (by a necessity of the constitution) in possession of a majority in parliament, and found it easier and safer to act on all occasions through the instrumentality of this organ, than through a prerogative employed on a number of distant provincial

APPEND. assemblies. The revolution of 1688 established firmly the supreme power of the parliament, and enforced the submission of America to its legislative control; and, from this period, all the measures by which the British government proposed to affect the public interests of the colonists, were pursued through the medium of parliamentary enactment. No taxation of the colonies was *practically attempted* by the parliament, except what arose from the regulation of commerce; but a power was assumed to alter the American charters, or at least to modify the constitutions which these charters had created. There was one point, indeed, in which the relation of the colonies to the royal prerogative, seemed still to be acknowledged. It was not to the House of Lords, or to any of the ordinary tribunals of England, that appeals were carried from the judgments of American courts, but to the king in council; and it was the same organ that enjoyed the power of modifying and rescinding the provincial laws which were deemed repugnant to English jurisprudence [5].

Yielding not to conviction but to necessity, overawed by the strength of Britain, and encumbered by the dangerous vicinity of the French in Canada, the colonists submitted to the power of parliament, and rendered to it even that degree of voluntary acknowledgment which may be inferred from numerous petitions for the redress of grievances [6]. Yet the submission that was actually enforced, was yielded

5 Lord Mansfield repeatedly pronounced that it was within the competency of the English court of King's Bench to send a writ of *habeas corpus* into America; but he declared that this was a power which could rarely if ever be exercised with propriety. Stokes on the Constitution of the British Colonies, p. 5, 6.

6 When they became more wealthy and powerful, and found that the parliament was about to usurp their domestic taxation, they refrained from sending petitions to it, and presented them only to the king—See Franklin's Works, iii. 336—and at length boldly revived the ancient maxim, "that the king, and not the king, lords, and commons collectively, is their sovereign; and that the king with their respective assemblies is their only legislator." Ibid. 381. Thus the Americans, in contending for their independence, finally took their stand on a principle originally introduced by despotic princes, and intended to secure their subjection to arbitrary government and royal prerogative.

with manifest reluctance, and the pretensions by which that submission might in after times be extended, were regarded with the most jealous apprehension. So early as the year 1696, a pamphlet was published in England, recommending the imposition of a parliamentary tax on one of the colonies. This was immediately answered by two other publications, in which the power of taxing the colonies was utterly denied to a parliament in which they were not represented [7].

APPEND.

There were various particulars in the supremacy that was exercised and the policy that was pursued by the parent state, that were offensive to the colonists, and regarded by them as humiliating badges of dependence. The appointment of certain of the provincial governors by the crown, not only created discontent in the provinces which beheld this privilege enjoyed by the inhabitants of the other states, but excited in these others a continual apprehension of being levelled in this respect with the condition of their neighbours. The manner in which this branch of the royal prerogative was too often exercised, tended to render it additionally disagreeable. It was the general practice of the English ministers to commit the royal governments to needy dependents, whose chief aim was to repair a shattered fortune and to recommend themselves to their patrons by a headlong zeal for the assertion of every real or pretended prerogative of the crown [8]. The transporta-

[7] Gordon's Hist. of the United States, vol. i. Letter ii. "The pamphlets against taxation (said Lord Camden in his speech in the House of Lords, April, 1766) were much read, and no answer was given to them, no censure passed upon them; nor were men startled at the doctrine." Ibid.

[8] Sir William Keith's Hist. of Virginia, 184. Williamson's North Carolina, ii. 15. We have already seen abundant confirmation of the testimony of these writers in the histories of Virginia, New York, and New Jersey. See the observations on the general effect of the English Revolution on the American colonies, at the close of the history of Virginia, B. i. cap. 3, *ante*.

In some instances, the government was bestowed as a sinecure office on a courtier who resided in England, while his deputy (appointed also by the crown)

APPEND. tion of English felons to America, was also a practice of the British government which the lapse of time rendered increasingly offensive to the colonists. We have seen the assembly of Maryland, as early as the year 1676, endeavour to stem the torrent of vicious and profligate example which was thus directed by the parent state among the labouring classes of her colonial subjects. The assembly of Pennsylvania made an attempt to obstruct the importation of convicts into that state by imposing a duty of five pounds on every convict that should be imported. But it was not till a later period that the practice was generally objected to by the colonists. So pressing in most places was the demand for labourers, that their moral characters and the terms on which they were obtained, were considerations to which the planters had not leisure to attend. Nay, in some instances, felons were not the only involuntary emigrants from England whose labour they appropriated. It became at one time a common practice for captains of vessels to entice ignorant persons, by flattering promises of wealth and preferment, to accompany them to America, where they had no sooner arrived, than they were sold as bondsmen to defray the cost of their passage and entertainment. So early as the year 1686 an order of council[9] was issued for the prevention of this practice. In process of time all

performed the duty, and received a part of the salary. The Earl of Orkney, in particular, who was appointed governor of Virginia in 1704, held this appointment so long that he received £42,000 of salary from a people who never once beheld him among them. Oldmixon (2d Edit.), vol. i. p. 400. His place in the province, however, was very well supplied for nearly twenty years by a distinguished officer and man of science, Colonel Alexander Spottiswoode (of the Scotch family of that name), to whom, among other benefits, the colonists were indebted for the expedition in 1714, by which a passage over the Apalachian mountains was first ascertained. Ibid. p. 401, 402. In honour of his services, one of the counties of Virginia is called Spottsylvania.

[9] This document is preserved in the British Museum. The system of inveigling and kidnapping was not confined to England. It was carried on to a great extent in Suabia and other German cantons by Dutch factors, whom Raynal asserts to have been hired by the British government. British Settlements in America, B. IV. cap. 9.

the local governments and all the respectable inhabitants of the provinces united in petitioning the English government to discontinue the practice of sending felons to America[1]: but their complaints of this evil, as well as of the continued importation of additional negro slaves, experienced the most contemptuous disregard. One consequence that is said[2] to have resulted from this arbitrary treatment, was the existence of very general ignorance or very illiberal prejudices, with regard to the condition of North America, in the minds of all classes of people in England. Though persons connected with the colonies, by commerce or otherwise, might entertain juster ideas of their condition, it is certain that till a very late period these territories were generally regarded in England as wild inhospitable deserts, infested by savages and beasts of prey, and cultivated only by criminals or by kidnapped negroes and Europeans. Though Bishop Berkeley had prophesied a destiny of unequalled splendour to this region, in his "Verses on the prospect of planting arts and literature in America," and though Thomson had celebrated the happiness of the colonies, and their subservience to the greatness of the British empire[3], the encomiastic strains of these writers were more than counteracted by the sarcastic and opprobrious imputations which were sanctioned by other and more popular authors[4]. The

APPEND.

[1] An American patriot humorously proposed that a reciprocal transportation of American felons to England should in equity be indulged to the colonists. Franklin's Memoirs.

[2] Preface to Smith's New York. See Note XIX.

[3] "Lo! swarming o'er the new-discover'd world,
Gay colonies extend; the calm retreat
Of undeserved distress ———
——— Bound by social freedom, firm they rise;
Of Britain's empire the support and strength."—Thomson.

[4] Smollett alludes to the colonies of North America in the following strain—"*The galleys* of France abound with abbés; and many templars may be found in our *American plantations.*" Count Fathom, vol. i. cap. 22. Fielding sends his hero *Jonathan Wild* to fortify his vice and villany in Virginia; and in various other allusions to the colonies always represents them as the suitable refuge of *deserved distress*. In Reed's farce of *The Register Office*, a miserable Irishman is exhibited as on the point of being trepanned to America, to be there sold

APPEND. conquest of Louisburg from the French in 1745, an enterprise originally projected by the wisdom, and mainly accomplished by the vigour, of the government of Massachusetts, was the circumstance that first prepared the people of England to receive more just impressions of the dignity and importance of the American provinces.

But no particular of the treatment which the colonists experienced from England during the early part of their connexion with her, was so generally offensive to them as the restrictions she imposed upon their trade and industry. This system not only disgusted them by its injustice, but seemed in some instances to have perverted their own sense of justice, and communicated to their counsels a portion of its own illiberality. In some features of the commercial policy pursued by the colonists, we may discern the reflection of that narrow and selfish spirit that pervaded the system adopted towards themselves by the parent state. An act of the assembly of Virginia, in 1680, imposed a duty on all tobacco exported from, and on all emigrants imported into the colony in vessels not belonging to Virginian owners. By an ordinance of Massachusetts a tonnage duty was imposed on all ships casting anchor in any port within its jurisdiction, excepting vessels owned by inhabitants of the state. A similar duty was imposed by the assembly of Rhode Island, in the year 1704, on all vessels not wholly owned by inhabitants of that colony. In 1709, the inhabitants of New York imposed a tonnage duty on every vessel of which one

as a slave. Even in Goldsmith's *Traveller*, where the expulsion of an English peasant and his family from their home is represented as a very ordinary consequence of the pride and luxury of English landlords, the exiles are supposed to find a tenfold addition to their woes in North America. "Nay, this strain seems not yet to have ceased; and the grief of "heart-sick exiles" in America has been deplored by a Scottish bard of the nineteenth century. From the time when Waller and Marvell eulogised the tranquil retreat of Bermudas, I am not aware that any other English poets but Thomson and Campbell have celebrated the happy scenes and circumstances of American life.

half did not belong to citizens of that state. By a law of Maryland, in 1715, the duties imposed on the importation of negroes, servants, and liquors, were declared not to extend to such as were imported in vessels whose owners were all residents in the province. In the same province it had been enacted, eleven years before, that debts due to English bankrupts should not be collected till security were given that the claims of colonial creditors on the bankrupt's estate should be first wholly discharged [5]. Even the Pennsylvanians, who in this respect professed a more liberal consideration of the claims of foreign creditors than any of the other provincial communities, passed a law for securing priority of payments from the estates of bankrupts to the inhabitants of their province. Among other apologies for this policy with regard to the recovery of debts (which was very generally adopted throughout the colonies) it is proper to notice the fact that the planters were commonly treated with great illiberality by the merchants to whom they consigned their produce in England, who took advantage of their necessities, while the sales were in suspense, to lend them money at exorbitant interest, and on the security of their mortgaged plantations. In 1701, the assembly of South Carolina imposed a duty of three farthings a skin on hides exported by the colonists in their own ships, but double this amount if the exports were loaded in English vessels —a distinction against which the English commissioners of plantations remonstrated, as an unjust discouragement to the trade of England [6]. The Virginian act of 1680 had excited similar remonstrances from the same quarter, and made the nation feel, that

APPEND

[5] In the history of Maryland we have already seen the first instance of a law disabling all emigrants to the colony from enjoying colonial offices till by residence for a term of years they had become completely colonists.

[6] Abridg. Laws of Virg. iii. New England Ordinances Abridg. 90. Laws of Rhode Island, 49. Laws of New York, 97. Laws of Maryland, 1704, cap. 29, 1715, cap. 36. Oldmixon, i. 321. Chalmers, 354. 693.

APPEND. to practise injustice is to teach a lesson that often returns to plague the inventor.

In the year 1696, King William erected a new and standing council under the name of the Lords Commissioners for Trade and Plantations. All the American governors were required to maintain correspondence with this board, and to transmit to it the journals of their councils and assemblies, the accounts of the collectors of customs, and similar articles of official intelligence. This requisition was obeyed by the royal governors, but met with very little attention in those colonies of which the governors were appointed by the people. In the year 1714, the attorney-general of England (Northey) informed the English ministers that it was not in their power to punish this neglect, and advised them to apply to parliament for an act commanding all the colonies to transmit their laws for royal revision. This proceeding, however, was not adopted: and a report of the lords commissioners, in the year 1733, sets forth that "Rhode Island and Connecticut, being charter governments, hold little or no correspondence with our office, and we are very little informed of what is doing in these governments; they not being under any obligation to return authentic copies of their laws to the crown for disallowance, or to give any account of their proceedings [7]."

There was a considerable variety in the constitutions of the several provinces at the commencement of the eighteenth century. In Maryland and Pennsylvania, the property of the soil, and the government of the state, belonged to one or more proprie-

[7] Anderson's Hist. and Chronol. Deduct. of the Origin of Commerce, ii. 622, 623. Chalmers, 295. As a remedy for the defective correspondence which was anticipated between the colonies and the board of trade, an act of parliament was passed in 1696, declaring (in conformity with the colonial charters), "that all by-laws, usages, and customs which shall be in practice in any of the plantations, repugnant to any law made in the kingdom relative to the said plantations, shall be void and of no effect."

taries. This was also the situation of the Carolinas, till the surrender of the proprietary jurisdiction. In New Jersey, and in the Carolinas, after the proprietary jurisdictions were surrendered, the soil belonged to the proprietaries, and the government to the crown. In Massachusetts, the property of the soil was vested in the people and their representatives, and the government was exercised by the crown. In Virginia and New York, both property and government belonged to the crown. In Connecticut and Rhode Island, both property and government were vested in the corporation of the freemen of the colony. These distinctions, among other evil consequences, promoted disputes respecting boundaries, in which the crown was thought, and not without reason, to favour the claims of those states in which its power was largest, and the quit rents were subservient to the royal revenue. APPEND.

No encouragement seems ever to have been given by the English government to the cultivation of science or literature in the American provinces, except in the solitary instance of a donation by William and Mary, in aid of the college which took its name from them in Virginia. The policy adopted by the parent state in this respect is very correctly indicated by one of the royal governors in the beginning of the eighteenth century. "As to the college erected in Virginia," says this officer, "and other designs of the like nature which have been proposed for the encouragement of learning, it is only to be observed in general, that although great advantages may accrue to the mother state both from the labour and luxury of its plantations, yet they will probably be mistaken who imagine that the advancement of literature and the improvement of arts and sciences in our American colonies can be of any service to the British

APPEND. state [8]." We have already seen the instructions that were given to the royal governors by the English court, both prior and subsequent to the revolution of 1688, to restrain the exercise of printing within their jurisdictions. Many laws were enacted in New England, after that event, for enlarging the literary privileges and honours of Harvard College; but they were all disallowed by the English government [9].

The first printing-press established in North America, was erected in Massachusetts in the year 1638. It was more than forty years afterwards before printing commenced in any other part of British America. In 1686, a printing-press was established in Pennsylvania; in 1693, at New York; in 1709, in Connecticut; in 1726, in Maryland; in 1729, in Virginia; and in 1730, in South Carolina. Previous to the year 1740, more printing was performed in Massachusetts than in all the other colonies together. From 1760 till the commencement of the revolutionary war, the quantities of printing executed in Boston and Philadelphia were nearly the same. The first North American newspaper was published at Boston by Campbell, a Scotchman, the postmaster, in 1704. The second made its appearance in the same city in 1719; and in the same year, the third was published in Philadelphia. In 1725, New York, for the first time, published a newspaper; and after this, similar journals were gradually introduced into the other colonies [1].

[8] Sir William Keith's History of Virginia. I have termed Keith a royal governor. He was, it is true, the governor of a proprietary settlement, Pennsylvania. But all these governors were now approved by the crown; and Keith's nomination, in consequence of William Penn's mental incapacity at the time, proceeded altogether from the crown.

Holmes, ii. 60.

[1] John Dunton, in the prospectus of the journal which he began to publish at London, in 1696, states, that there were then but eight newspapers published in England. None were published in Scotland till after the accession of William and Mary.

In 1749, there was no printing press in Canada. There had formerly been

The press, in America, was no where entirely free from legal restraint till about the year 1755. In 1723, James Franklin was prohibited by the governor of Massachusetts from publishing *The New England Courant* [2], without previously submitting its contents to the revision of the secretary of the province; and in 1754, one Fowle was imprisoned by the House of Assembly of the same province, *on suspicion* of having printed a pamphlet containing reflections on some members of the government. After the year 1730, no officer seems to have been appointed in Massachusetts to exercise a particular control over the press; but prior to that period, the *imprimatur* of a licenser was inscribed on many of the New England publications [3].

A country where labour was so dear, and property in land so general as in North America, might have been expected to have proved eminently favourable to the growth of a skilful and economical system of husbandry. While the dearness of labour restrained expensive cultivation, the general diffusion of the ownership of land, enhanced and multiplied the incitements to industry. But the influence of these causes was counteracted by the cheapness and abundance of land, and the vast forests with which the

one; but it did not afford its owner the means of subsistence. The French colonists, more ashamed of the reproach of poverty or intellectual inferiority than of destitution of liberty, asserted that the Canadian press had been interdicted, lest it should produce libels against government. Kalm's Travels, iii. 182. The difference between French and English manners was very apparent in the colonial settlements of the two nations. The Canadian French, says Charlevoix, will rather retrench from their tables than wear plain clothes. Voyage to North America in 1720, vol. i. Letter III. But Hutchinson declares, that the English colonists would rather simplify their attire than impoverish their diet. Hist. of Massachusetts, ii. 443.

[2] This journal (first published in 1721) was edited by an elder brother of Dr. Franklin, and had been previously denounced by Dr. Increase Mather as a worthless and irreligious publication. It was the earliest literary organ of infidelity in North America. In one of the numbers of this paper it was advanced, that "if the ministers of God approve of a thing, it is a sign it is of the devil." Dr. Mather was compelled to vindicate himself publicly from an assertion in the paper, that he was one of its friends and supporters. Isaiah Thomas' Hist. of Printing in America, i. 215.

[3] Isaiah Thomas, i. 207, 9. 210. 221. ii. 7, 8. 91. 127. 141. 153. 186.

APPEND. whole country was covered. Every man possessed land enough to afford him a sufficient subsistence by the easiest agricultural process; and a great deal of industry was continually directed to the task of disencumbering the ground of wood. Although every one of the settlements already possessed numerous substantial edifications of brick and stone, yet, from the dearness of labour and the abundance of wood, the greater number of dwelling-houses were every where constructed of this material—a practice which was prolonged till a very late period by the erroneous notion, that wooden houses contributed a better defence than stone buildings against the humidity of the atmosphere[4].

America has owed to Europe not only a race of civilized men, but a breed of domestic animals. Oxen, horses, and sheep, were introduced by the English, French, Dutch, and Swedes, into their respective settlements. Bees were imported by the English. The Indians, who had never seen these insects before, gave them the name of *English flies*.[5]

Every one of the provinces beheld the Indian tribes by which it was surrounded melt away more or less rapidly under the influence of a civilised neighbourhood. In none of the provinces (with the exception, perhaps, of South Carolina) were wars undertaken against that unfortunate race for the sake of conquest; yet none of the colonies whose history we have hitherto traced, except New Jersey and Pennsylvania, were able to avoid altogether a contest, in which the uniform aggression of the Indians was uniformly punished with discomfiture and destruction. Virginia was the only province of which the soil had been occupied without a previous purchase from the

[4] Mr. Jefferson was the first who attempted to combat this error of his countrymen, in his "Notes on Virginia."

[5] Kalm, i. 288. Oldmixon asserts (2d edit. i. 444), that America had neither rats nor mice till the arrival of the European vessels.

Indians; and in South Carolina alone had the treatment which these savages experienced from the Europeans, been justly chargeable with defect of forbearance and humanity. But the friendship of the colonists proved in general no less fatal than their hostilities to the Indians. The taste for spirituous liquors, which they communicated, was indulged by the savages with a passion that amounted to frenzy; and the new diseases which they imported from Europe, both from peculiarities in the constitution of the Indians, and the defective treatment occasioned by their inexperience of such maladies, were productive of a havoc among the tribes that far outstripped all the efforts of human hostility. The peculiar mortality which the small-pox produced among the Indians has been ascribed by some writers to their practice of anointing themselves with bears' grease, in order to repel the attacks of noxious insects in summer, and to exclude the extreme cold of winter, which is supposed to repress the cutaneous eruption that is requisite to a favourable issue of the distemper. Guided by their own sensations, the Indians anticipated the Europeans in the use of the cold regimen in small-pox; and the mortality that the disorder occasioned among them was at first erroneously ascribed to this practice [6]. Even the relish for superior comforts and finer luxuries, which might have been expected to lead the Indians to more civilised modes of life, was productive of an opposite effect, and tended to confirm them in savage habits; as these luxuries were now generally tendered to them in exchange for the peltry which they procured by hunting. Almost all the Indian tribes were engaged in wars with each other, and all were eager to obtain the new instruments of destruction which the superior science of the Europeans had created. Wielding this improved machi-

APPEND.

[6] Kalm, ii. 93, 94.

APPEND. nery of death with the same rage and fury that had characterised their previous warfare with less efficacious weapons, their mutual hostilities were rendered additionally destructive by the communication of an invention which, among civilised nations, has shortened the duration and diminished the carnage of war.

At the close of the seventeenth century the Indian tribes of New England could still muster 10,000 fighting men [7]; those of New York, 1,000; and those of Virginia, 500. There were 6,000 Indians altogether in Pennsylvania; 4,000 in North Carolina; probably as many in South Carolina; 3,000 in Maryland; and only 200 in New Jersey [8].

The danger which the European colonists must have incurred from a coalition between their negro slaves and the Indians, was obviated by the irreconcileable dislike and antipathy which prevailed universally between these two degenerate races. The gentle and effeminate Indians of South America were regarded from the first with insolence and scorn by the negro slaves of the Spaniards; and the freer and hardier Indians of North America have always demonstrated the fiercest aversion and contempt for the negroes imported into the settlements of the English.

[7] When Connecticut was first settled, there were computed to be 20,000 Indians within its boundaries alone. Trumbull, i. 43. In Gookin's "Historical Collections of the Indians in New England," some illustration is afforded of the rapid decline which these tribes sustained during the short interval between the settlement of the New England states and the year 1764. The Pequods were reduced from 4,000 to 300 warriors; the Narraghansetts, from 3,000 to 1,000; the Pawtuckets, from 3,000 to 250; the Massachusetts (who have given their name to the principal state in New England), from 3,000 to 300; and the Pawkunnakuts, a tribe which had formerly numbered 3,000 warriors, was almost entirely extinct. Collections of the Massachusetts Hist. Soc. i. 141—227.

[8] Oldmixon, i. 106. 125. 141. 164. 204. 282. Warden, ii. 375. 419. The most accurate, I believe, and certainly the most interesting picture of Indian manners that exists in the English language, is contained in that noble production of learning and genius, Southey's History of Brazil.

NOTES TO THE SECOND VOLUME.

NOTE I. Page 56.

THE following may serve as a specimen of these articles of grievance, and of the answers they received:—"IV. As no laws can be repealed but by the assembly, it desired to know if the proprietary intended to annul a clause in the act for bringing tobacco to towns?" *Answer.* "The proprietary does not intend to annul the clause mentioned without an act of repeal." "V. The attorney-general oppresses the people." *Answer.* "If such proceedings have been practised, the law is open against the offender, who is not countenanced by government." "VI. Certain persons, under a pretended authority from some militia officers, have pressed provisions in time of peace." *Answer.* "We know of no such offenders; but, when informed of them, we shall proceed against them according to law and matter of fact." "VII. The late adjournment of the provincial court to the last Tuesday in January is a time most incommodious to the people." *Answer.* "At the request of the lower house, they will adjourn the provincial court by proclamation." Chalmers, 380, 381. Why Chalmers, who is generally displeased even with the more moderate assertors of American liberty, should term this "a spirited representation of grievances" (p. 372), I am at a loss to discover. But perhaps no other writer has ever combined such elaborate research of facts with such temerity of opinion and such glaring inconsistency of sentiment, as the "Political Annals" of this writer display. The American provinces, though little indebted to his favourable opinion, owe the most important illustration of their history to his industrious researches. Some of the particulars of his own early history may perhaps account for the peculiarities of his American politics. A Scotsman by birth, he had emigrated to Maryland, and was settled at

Baltimore as a lawyer, when the revolutionary contest (in which he adhered to the royal cause), blasted all his prospects, and compelled him to take refuge in England, where his unfortunate loyalty, and distinguished attainments, procured him an honourable appointment from the Board of Trade. The first (and only) volume of his Annals was composed while he hoped that the royal cause would yet prevail in America, and was intended to be the apology of his party. His labours were discontinued when the cause and party to which they were devoted had evidently perished. Though a strong vein of Toryism pervades all his pages, he is at times unable to restrain an expression of indignant contempt at particular instances of the conduct of the kings and ministers, whose general policy he labours to vindicate.

NOTE II. P. 97.

That a gift will blind the discernment even of the wise, and pervert the words even of the just, is an assurance conveyed to us by unerring wisdom, and confirmed by examples among which even the name of Locke must be enrolled. If no gift could be more seducing than the deference and admiration with which Shaftesbury graced his other bounties to Locke, no blindness could well be greater than that which veiled the eyes, and perverted the sentiments of the philosopher, with respect to the conduct and character of his patron. In his memoirs of this profligate politician, not less insidious in his friendships than furious in his enmities, and who alternately inflamed and betrayed every faction in the state,—he has honoured him as a mirror of worth and patriotism; declaring that, in a mild yet resolute constancy, he was equalled by few and exceeded by none; and that, while liberty endures, his fame will mock the efforts of envy and the operations of time. (Locke, folio edit. III. 450, &c.) While Locke reprobates the unprincipled ambition and inveterate falsehood, with which Monk endeavoured to the last to obtain for himself the vacant dignity of Cromwell,—he is totally insensible to any other feature than the *ability* of the more successful manœuvres by which Shaftesbury outwitted the less dexterous knave, and at length forced him to concur in the Restoration. Locke has vaunted the profound sagacity with which Shaftesbury could penetrate the character, and avail himself of the talents and disposition, of every person he conversed with. For his own vindication, it is necessary to regard him in this performance as exemplifying the quality which he so highly commended. When occasion required

it, Shaftesbury could assume a virtue to which his talent lent such a degree of efficacy as commanded universal admiration. When he was appointed to preside in the Court of Chancery, he was unacquainted with law, and had grown grey in the practice of fraud and intrigue. Yet, in the discharge of the functions of this office, he is acknowledged to have combined the genius of Bacon with the integrity of More; and the satisfaction that was derived from the legal soundness of his decrees, was surpassed only by the respect that was entertained for the lofty impartiality of his conduct.

Among other marks of confidence bestowed by Shaftesbury on Locke, he employed him to choose a wife for his son, whom he was anxious to marry early; as the feebleness of the young man's constitution gave him cause to apprehend the extinction of his family. Locke, undismayed by the nice and numerous requisites which Shaftesbury desired him to combine in the object of his choice, fulfilled this delicate office to his patron's satisfaction; and afterwards accepted the office of tutor to the eldest male offspring of the marriage. (Life of Locke, prefixed to the folio edition of his Works). Like Philip of Macedon, Shaftesbury seems to have determined to extract as much advantage as possible to his posterity from the genius of the great philosopher who proved to be his cotemporary. Neither of the tutors, however, derived much credit from his tuition, or received much gratitude from his pupil. Alexander sneered at the sophisms of Aristotle (Plutarch's Life of Alexander); and the author of the "Characteristics" (in his "Letters written by a Nobleman to a Young Man at the University," 1716), severely censured the writings of Locke, as giving countenance to infidelity.

Shaftesbury was able to infect Locke with all his own real or pretended suspicions of the catholics; and, even when the philosopher could not refrain from censuring the severity and intolerance of the protestants, he expressed his regret that they should be found capable of "such popish practices." Not less unjust and absurd was Lord Russell's declaration, that massacring men in cool blood was so like a practice of the papists, that he could not but abhor it; and Sir Edward Coke's remark, that poisoning was *a popish trick*. When Locke undertook to legislate for Carolina, he produced ecclesiastical constitutions not more, and political regulations far less favourable to human liberty and happiness, than those which had been previously established by a catholic legislator in Maryland.

Mr. Fox is much puzzled to account for Locke's friendship with Shaftesbury, and has attempted it, I think, very unsuccessfully.

It is strange that we should be obliged to prefer the testimony of an unprincipled satirist to that of an upright philosopher. Yet Dryden's character of "Achitophel" is undoubtedly the justest and most masterly representation of Shaftesbury that has ever been produced by friend or foe. So much more powerful is affection than enmity, in deluding the fancy and seducing the understanding!

NOTE III. P. 192.

Founders of ancient colonies have sometimes been deified by their successors. New York is perhaps the only commonwealth whose founders have been covered with ridicule from the same quarter. It is impossible to read the ingenious and diverting romance entitled Knickerbocker's History of New York, without wishing that the author had put either a little more or a little less truth in it, and that his talent for humour and sarcasm had found another subject than the dangers, hardships, and virtues, of the ancestors of his national family. It must be unfavourable to patriotism to connect historical recollections with ludicrous associations: but the genius of Mr. Irving has done this so effectually, that it is difficult to read the names of Wouter Van Twiller, of Corlear, and of Peter Stuyvesant, without a smile; or to see the free and happy colonists of New York enslaved by the forces of a despot, without a sense of ridicule that abates the resentment which injustice should excite, and the sympathy which is due to misfortune. Yet Stuyvesant was a gallant and generous man; and Corlear softened the miseries of war, and mitigated the wrath of man by his benevolence. If this writer had confined his ridicule to the wars, or rather bloodless buffetings and squabbles of the Dutch and the Swedes, his readers would have derived more unreproved enjoyment from his performance. Probably my discernment of the unsuitableness of Mr. Irving's mirth, is quickened by a sense of personal wrong; as I cannot help feeling that he has by anticipation ridiculed my topic and parodied my narrative. If Sancho Panza had been a real governor, misrepresented by the wit of Cervantes, his future historian would have found it no easy matter to bespeak a grave attention to the annals of his administration.

NOTE IV. P. 225.

"Dining one day at Monsieur Hoeft's, and having a great cold, I observed, every time I spit, a tight handsome wench

(that stood in the room with a clean cloth in her hand) was presently down to wipe it up, and rub the board clean. Somebody at table speaking of my cold, I said the most trouble it gave me was to see the poor wench take so much pains about it. Monsieur Hoeft told me, 'twas well I escaped so; and that, if his wife had been at home, tho' I were an ambassador, she would have turned me out of doors for fouling her house." Sir William Temple's Works, i. 472.

NOTE V. P. 238.

The charitable attempt of Chalmers to vindicate the character of this man from the impeachment and abhorrence, not of one, but of every province over which he exercised the functions of government previous to the British Revolution, is totally unsuccessful. The main topic of apology is, that he merely executed the orders of his master, and sometimes ineffectually recommended more humane and liberal measures; an apology which might be (as in fact it was) equally pleaded to justify the atrocities of Kirke and Jeffries in England, and of Graham of Claverhouse and Sir James Turner, in Scotland. It is an apology that may sometimes exempt from punishment, but can never redeem character, or avert reprobation. When Turner was taken prisoner by the persecuted Scottish peasantry in Dumfriesshire, they were proceeding to put him to death for his cruelty; but observing, from the written instructions found on his person, that he had actually fallen short of the severity which he had been ordered to commit, these generous men arrested their uplifted hands, and dismissed him with impunity, but not without abhorrence. That Andros, from some of his private suggestions to the duke, seems at times to have been willing to alleviate the burdens of the people, only renders him the more culpable for so actively effectuating a contrary policy, the mischief and odium of which he plainly discerned. It might have been argued, with some appearance of probability, that the unanimous dislike he excited in New England inferred less of reproach to his personal character, than of the repugnance between the previous habits of the people and the structure of that arbitrary system which he was appointed to administer among them. But the detestation he excited in New York, where the people had been habituated to arbitrary government, admits not of this suggestion; which, even with regard to New England, we have already seen to be very slightly, if at all, admissible. James the Second evinced a sagacity that approached to instinct, in the employment of fit instruments to execute injustice and

cruelty; and his steady patronage of Andros, and constant preference of his to any other instrumentality, in the subjugation of colonial liberty, is the strongest certificate that could be given of the aptness of this officer's disposition for the employment for which he was selected. His friend and compeer Randolph boasted, that, in New England, Andros was as arbitrary as the Great Turk.

After the British Revolution, Andros is said to have conducted himself irreproachably as governor of Virginia. But William and Mary had not intrusted him with tyrannical power; and the Virginians would not have permitted him to exercise it. His appointment to this situation, however, was an insult to the American colonies, and a disgraceful proceeding of King William, who assuredly was not a friend to American liberty.

Andros died at London in 1715, at a very advanced age.

NOTE VI. P. 289.

This jesuit accompanied the French commissioners who repaired to the head quarters of the Five Nations to treat for peace. When the commissioners approached the Indian station, they were met by a sachem who presented them with three separate gifts (strings of wampum); the first, to wipe away their tears for the French that had been slain; the second, to open their mouths, that they might speak freely; and the third, to clean the mat on which they were to sit, while treating of peace, from the blood that had been spilt on both sides. The jesuit, who acted as the orator of the embassy, endeavoured to pay court to the Indians by imitation of their style. "The war kettle," said he, "boiled so long, that it would have scalded all the Five Nations had it continued; but now it is overset, and turned upside down, and a firm peace made." He recommended to them the preservation of amity with *Corlear* (the Indian name for the governor of New York); and having thus attempted to disarm their suspicions, uttered many injurious insinuations against this ally. "I offer myself to you," he continued, "to live with you at *Onondaga*, to instruct you in the christian religion, and to drive away all sickness, plagues, and diseases out of your country." Though this proposition, which the French were much bent on effectuating, was absolutely rejected, the peace brought them a deliverance from so much misery and fear, that, when a deputation of the sachems of the Five Nations arrived at Montreal to ratify the treaty, they were received with general acclamations of joy, and a salute from the artillery on the ramparts. The Indian allies

of the French were highly offended with this demonstration of respect. "We perceive," they angrily observed, "that fear makes the French show more respect to their enemies, than love can make them do to their friends." Colden, i. 209—212.

NOTE VII. P. 303.

Denton, whose description of New York was published in 1702, gives a very agreeable picture of the state of the province and its inhabitants at this period.—"I must needs say, that if there be a terrestrial Canaan, 'tis surely here. The inhabitants are blessed with peace and plenty; blessed in their country, blessed in the fruit of their bodies, and the fruit of their grounds; blessed in their basket and in their store; in a word, blessed in whatsoever they take in hand, or go about; the earth yielding plentiful increase to all their painful labour."—"Were it not to avoid prolixity, I could say a great deal more, and yet say too little, to show how free are these parts of the world from that pride and oppression, with their miserable effects, which many, nay almost all, parts of the world are troubled with. There, a waggon or cart gives as good content as a coach; and a piece of their home-made cloth better than the finest lawns or richest silks: and though their low-roofed houses may seem to shut their doors against pride and luxury, yet, how do they stand wide open to let charity in and out, either to assist each other or to relieve a stranger! and the distance of place from other nations doth secure them from the envious frowns of ill-affected neighbours, and the troubles which usually arise thence." Denton, 19, 20.

What a contrast there is between this happy picture and the state of European society about the same period, as depicted by De Foe in the most celebrated of his romances!—"I saw the world busy around me; one part labouring for bread, and the other squandering it in vile excesses or empty pleasures:"—"the men of labour spent their strength in daily strugglings for bread to maintain the vital power they laboured with; so living in a daily circulation of sorrow; living but to work, and working but to live, as if daily bread were the only end of a wearisome life, and a wearisome life the only occasion of daily bread."

NOTE VIII. P. 329.

From the writings of the modern historians and apologists of quakerism, we might be led to suppose that none of the quakers who were imprisoned by the magistrates of England at this period had been accused of aught else but the profession of their peculiar doctrinal tenets, or attendance at their peculiar places of worship. But very different accounts of the causes of their imprisonment have been transmitted by some of the sufferers themselves; and, from the tenor of these it is manifest that the only wrong they sustained from the magistrates was, that they were committed to prison, instead of being confined in lunatic hospitals. The most remarkable of these compositions is the Narrative of the Persecution of Solomon Eccles, in the year 1659, written by himself, and dated from Newgate, where he describes himself as "a prisoner for the testimony of the Lord." This man, who was a quaker, and a tailor in London, relates, that "It was clearly showed to me that I should go to the steeple-house in Aldermanbury the first day of the week then following, and take with me something to work, and do it in the pulpit at their singing time." So, after much musing, "I purposed to carry with me a pocket to sew." He repaired to Edmund Calamy's chapel, and, watching his opportunity, made his way into the pulpit. "I sat myself down upon the cushion, and my feet upon the seat where the priest, when he hath told out his lies, doth sit down, and, having my work ready, I pulled one or two stitches." When the people began to persecute him (i.e. to pull him down) he cared not if they had killed him, "for I was full of joy, and they were full of wrath and madness." He was carried before the mayor. "Then, said he to me, 'Wherefore did you work there?' I said, 'In obedience to the Lord's commandment.' He said it was a false spirit: and said he, 'Where are your sureties?' I said, the Lord was my security." Accordingly, his persecution was consummated by a commitment to Newgate. "Now, *let all sober people judge* whether I did this thing out of envy against either priest or people. Yea, farther I say, the Lord lay it not to their charge who have said that I did it in malice, devilishness, and envy," &c. &c. This singular narrative is republished in the State Trials, vol. vi. p. 998.

NOTE IX. P. 336.

Of this diversity the following instance may serve as a specimen. When the statute against the quakers began to be generally enforced, George Bishop, a man of some eminence among them, remonstrated against it in these terms: "To the king and both houses of parliament, *Thus saith the Lord*, Meddle not with my people because of their conscience to me, and banish them not out of the nation because of their conscience; for, if you do, I will send my plagues among you, and you shall know that I am the Lord. Written in obedience to the Lord, by his servant, G. Bishop." Gough and Sewell, i. 249. Very different was the remonstrance which William Penn addressed on the same subject to the king of Poland, in whose dominions a severe persecution was instituted against the quakers. "Give us poor Christians," says he, "leave to expostulate with thee. Suppose we are tares, as the true wheat hath always been called, yet pluck us not up for Christ's sake, who saith, Let the tares and the wheat grow up until the harvest, that is, until the end of the world. Let God have his due as well as Cæsar. The judgment of conscience belongeth unto him, and mistakes about religion are known to him alone." Clarkson's Life of Penn, i. 180.

NOTE X. P. 354.

It is not difficult to understand how a friendly intercourse originated between the leading persons among the quakers and Charles the Second and his brother. The quakers desired to avail themselves of the authority of the king for the establishment of a general toleration, and their own especial defence against the enmity and dislike of their numerous adversaries. The king and his brother regarded with great benevolence the principles of non-resistance professed by these sectaries, and found in them the only class of protestants who could be rendered instrumental to their design of re-establishing popery by the preparatory measure of a general toleration. But how the friendly relation thus created between the royal brothers and such men as Penn and Barclay should have continued to subsist uninterrupted by all the tyranny and treachery which the reigns of these princes disclosed, is a difficulty which their contemporaries were unable to solve in any other manner than by considering the quakers as at bottom the votaries of popery and arbitrary power. The

more modern and juster, as well as more charitable censure is, that they were the dupes of kingly courtesy, craft, and dissimulation. They endeavoured to make an instrument of the king; while he permitted them to flatter themselves with this hope, that he might avail himself of their instrumentality for the accomplishment of his own designs.

Perhaps, since the days when the prophets of Israel were divinely commissioned to rebuke their offending monarchs, no king was ever addressed in terms of more dignified admonition than Robert Barclay has employed in concluding the dedication of his famous *Apology for the Quakers* to Charles the Second. "There is no king in the world," he bids him remember, "who can so experimentally testify of God's providence and goodness; neither is there any who rules so many free people, so many true Christians: which thing renders thy government more honourable, and thyself more considerable, than the accession of many nations filled with slavish and superstitious souls. Thou hast tasted of prosperity and adversity; thou knowest what it is to be banished thy native country and to be overruled, as well as to rule and sit upon the throne; and, being oppressed, thou hast reason to know how hateful the oppressor is both to God and man. If, after all these warnings and advertisements, thou dost not turn unto the Lord with all thy heart, but forget him who remembered thee in thy distress, and give thyself up to follow lust and vanity, surely great will be thy condemnation." Yet, Charles gave himself up to lust and vanity, without apprehending or experiencing any diminution of the regards of his quaker friends; and the tyranny and oppression that stained the conduct of both Charles and James rendered them hateful to all men except the catholics and the quakers. The horrible cruelties inflicted by the orders, and in the presence, of James himself on the Scottish covenanters must have been perfectly well known to Barclay. But perhaps his sympathy with the sufferers was abated by the lamentable intolerance which many of these unfortunate victims of bigotry themselves evinced. There were few of them who, even in the midst of their own afflictions, did not bequeath a dying testimony to their countrymen against *the sin of tolerating the blasphemous heresy of the quakers*. See *The Cloud of Witnesses*, Woodrow's History, and other works illustrative of that period.

Of the cajolery that was practised by King James upon the quakers, I think a remarkable instance is afforded (very unintentionally) by Mr. Clarkson, in his Memoirs of William Penn, vol. ii. cap. 1. In the year 1688, Gilbert Latey, an eminent quaker minister, having been presented by Penn to this prince, thanked him for his *Declaration of Indulgence*

in favour of quakers and other dissenters, adding an expression of his hope, that, as the king had remembered the quakers in their distress, so God might remember him in his distress. Some time after, when James, expelled from England, was endeavouring to make head against his adversaries in Ireland, he sent a message to Latey, confessing that the revolution had approved him so far a prophet, inasmuch as the king had fallen into distress. But Latey was not satisfied with this partial testimony, and reminded James, that, as his life had been saved at the battle of the Boyne, the *prophecy* that had been addressed to him was entirely fulfilled.

NOTE XI. P. 368.

Gabriel Thomas, the author of this pleasing little work (which is dedicated to Sir John Moore and Sir Thomas Lane, aldermen of London, and at that time two of the principal proprietaries of West Jersey), was a quaker, and the friend of Penn, to whom, at the same time, he dedicated a corresponding history of the province of Pennsylvania. His chief aim in writing he declares to have been to inform the labouring poor of Britain of the opportunity afforded to them by these colonial settlements, of exchanging a state of ill rewarded toil, or of beggarly and burdensome dependence, for a condition at once more useful, honourable, prosperous, and happy. "Now, reader," he thus concludes, "having no more to add of any moment or importance, I salute thee in Christ; and whether thou stayest in England, Scotland, Ireland, or Wales, or goest to Pennsylvania, West or East Jersey, I wish thee all health and happiness in this, and everlasting comfort (in God) in the world to come. Fare thee well!"

NOTE XII. P. 381.

The following instance of the sensitiveness of the quakers to the reputation of William Penn and his institutions, I believe has never before been published, and I think deserves to be made known. When Winterbotham undertook the compilation of his "Historical, Geographical, Commercial, and Philosophical View of the American United States," he was encouraged to pursue his labours by the assurance of numerous subscriptions, a great part of which were obtained from English quakers. The authorities which he consulted on the subject of Pennsylvania, gave him an insight into the lamentable dissensions that had occurred between the founder of this province and his quaker colonists, and induced him to

form an opinion unfavourable to the equity of Penn, and to the moderation of both parties. The historical part of his account of this province was accordingly written in a strain calculated to convey this impression. Unfortunately for him, this came to be known just when his work was ready for publication and delivery to the subscribers. The quakers instantly withdrew their subscriptions, a step that involved Winterbotham in the most serious embarrassment. Alarmed at this unexpected blow, the unfortunate author (then a prisoner in Newgate for seditious expressions, of which he is now generally acknowledged to have been innocent) applied to the late William Dillwyn, of Walthamstow, and, throwing himself on the humanity of that venerable man, implored his powerful intercession with the members of his religious fraternity. By his advice, Winterbotham consented to cancel the objectionable portion of the work, and, in the place of it, there was substituted a composition on the same subject from the pen of Mr. Dillwyn. A few copies of the work in its original state having got into circulation, there was added to the preface in the remaining copies an apology for the error into which the author declared that he had been betrayed with regard to the character of Penn and his colonists. The quakers, on being apprised of this, complied at once with the solicitation of their respected friend, and fulfilled their engagements with Winterbotham. This anecdote was related to me by Mr. Dillwyn himself. The contribution which this excellent person (celebrated in Clarkson's History of the Abolition of the Slave Trade) thus made to Winterbotham's work, is characterised by his usual mildness and indulgence. Without denying the existence of unhappy dissensions in Pennsylvania, he suggests reasons for supposing that they originated in mutual misapprehension, and were neither violent nor lasting. An apologetical vein pervades the whole composition, of which the only fault is, that (unlike the generality of quaker productions) it is a great deal too short. Mr. Dillwyn was a native of New Jersey, and had devoted a great deal of attention to the history of America.

NOTE XIII. P. 384.

Bishop Burnet relates that Penn, in alluding to the executions of Mrs. Gaunt and Alderman Cornish, at which he had attended as a spectator, said, that "the king was greatly to be pitied!" and endeavoured to palliate his guilt, by ascribing his participation in these and other atrocities to the influence that Jeffries had acquired over his mind. Unfortunately for the credit of this wretched apology, the king

was not under the influence of Jeffries when he ordered and witnessed the infliction of torture on the covenanters in Scotland; and the disgrace into which Jeffries fell immediately before the Revolution, for refusing to gratify the king by professing popery, and pretending to keep a corner of his conscience sacred from the royal dominion, shows how voluntary and how limited the king's pretended subjection to him truly was. It is related in the diary of Henry, Lord Clarendon, that Jeffries expressed his uneasiness to this nobleman at the king's impetuosity and want of moderation. When Jeffries was imprisoned in the Tower at the Revolution, he assured Tutchin (one of his victims, who came to visit and exult over him) that on returning from his bloody circuit in the west, he had been "snubbed at court for being too merciful." Kirke, in like manner, when reproached with his cruelties, declared, that they had greatly fallen short of the letter of his instructions.

For the credit of Penn's humanity, it may be proper to observe that it was common, in that age, for persons of the highest respectability (and, among others, for noblemen and ladies of rank, in their coaches), to attend executions, especially of remarkable sufferers. See various passages in that learned and interesting work, Howell's State Trials.

NOTE XIV. P. 392.

Colonel Nicholson, an active agent of the crown both before and after the English Revolution, who held office successively in many of the colonies, and was acquainted with the condition of them all, in a letter to the Board of Trade, in 1698, observes, that "A great many people of *all the colonies*, especially in those under proprietaries, think that no law of England ought to be binding on them, without their own consent; for they foolishly say, that they have no representatives sent from themselves to the parliament of England; and they look upon all laws made in England, that put any restraint upon them, to be great hardships." State Papers, *apud* Chalmers, 443.

In the introduction to the historical work of Oldmixon (who boasts of the assistance and information he received from William Penn), we find this remarkable passage:— "The Portuguese have so true a notion of the advantage of such colonies, that to encourage them, they admit the citizens of Goa to send deputies to sit in the Assembly of the Cortes. And if it were asked, why our colonies have not

their representatives, who could presently give a satisfactory answer?" Edit. 1708, p. 34.

An extension of the right of electing members of parliament, to a part of the realm which had not been previously represented there, occurred in the thirty-fifth year of the reign of Henry the Eighth. The inhabitants of the county palatine and city of Chester complained, in a petition to the king, "that, for want of knights and burgesses in the court of parliament, they sustained manifold damages, not only in their lands, goods, and bodies, but in the civil and politic governance and maintenance of the commonwealth of their said county; and that while they had been always bound by the acts and statutes of the said court of parliament, the same as other counties, cities, and boroughs, that had knights and burgesses in said court, they had often been touched and grieved with acts and statutes, made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of the said county palatine, as prejudicial unto the commonwealth, quietness, and peace of his majesty's subjects." They proposed, as a remedy, "that it would please his highness, that it be enacted, with the assent of the lords spiritual and temporal, and by the commons in parliament assembled, that, from the end of the session, the county palatine shall have two knights for the said county; and likewise two citizens to be burgesses for the city of Chester." The complaint was thought just and reasonable, and the petitioners were accordingly admitted to send representatives to parliament.

Various instances of similar proceedings occurred in the reigns of this monarch's successors—Edward the Sixth, Mary, and Elizabeth; the latter of whom created twenty-four new boroughs in England.

NOTE XV. P. 419.

In the year 1684, there was published, by one of these emigrants, "The Planter's Speech to his Neighbours and Countrymen of Pennsylvania;" a composition which reminds us of some of the productions of the early colonists of New England. "The motives of your retreating to these new habitations," says this writer, "I apprehend (measuring your sentiments by my own) to have been,—

"1st. The desire of a peaceable life, where we might worship God and obey his law, with freedom, according to the dictates of the divine principle, unincumbered with the

mouldy errors occasioned by the fierce invasions of tradition, politic craft, and covetous or ambitious cruelty.

"2d. That we might here, as on a virgin Elysian shore, commence or improve such an innocent course of life, as might unload us of those outward cares, vexations, and turmoils, which before we were always subject unto from the hands of self-designing and unreasonable men.

"3d. That, as *Lot*, by flying to little *Zoar*, from the ungodly company of a more populous and magnificent dwelling, we might avoid being grieved with the sight of infectious, as well as odious, examples, of horrid swearings, cursings, drunkenness, gluttony, uncleanness, and all kinds of debauchery, continually committed with greediness; and also escape the judgments threatened to every land polluted with such abominations.

"4th. That, as trees are transplanted from one soil to another, to render them more thriving and better bearers, so we here, in peace and secure retirement, under the bountiful protection of God, and in the lap of the least adulterated nature, might every one the better improve his talent, and bring forth more plenteous fruits, to the glory of God, and public welfare of the whole creation.

"5th. And lastly, that, in order hereunto, by our holy doctrine, and the *practical teachings* of our exemplary abstemious lives, transacted in all humility, sobriety, plainness, self-denial, virtue, and honesty, we might gain upon those thousands of poor dark souls scattered round about us (and commonly, in way of contempt and reproach, called *heathens*), and bring them not only to a state of civility, but real piety; which effected, would turn to a more satisfactory account than if, with the proud Spaniards, we had gained the mines of Potosi." "These thoughts, these designs, my friends, were those that brought you hither; and so far only as you pursue and accomplish them, you obtain the end of your journey." "Our business therefore here, in this new land, is not so much to build houses and establish factories, and promote trade and manufactures, that may enrich ourselves (though all these things in their due place are not to be neglected), as to erect temples of holiness and righteousness, which God may delight in." Among other advices, which this writer proceeds to communicate, he recommends not only the refraining from all wanton waste of inferior animal life, but a total abstinence from animal food. Proud, i. 226, &c.

NOTE XVI. P. 442.

Of the long prevalence of this feeling among the quakers, innumerable instances might be adduced. One of the most remarkable is a transaction which occurred in England in 1705, and which reflects very little credit on the honesty of any of the persons who were implicated in it. At that time Lord Cornbury, the royal governor of New York, in conjunction with the royal governor of Massachusetts, and various enemies of colonial liberty in England, were endeavouring to supply Queen Anne's ministers with some pretext for annulling the charter of Connecticut. To this end, they preferred against the government of this province a great variety of charges, some of which were so manifestly incapable of abiding parliamentary scrutiny, or judicial investigation, that they could not have been intended to serve any other purpose than that of discrediting the colonial government in the opinion of the English public, and abating the sympathy by which the colonists were aided in the defence of their liberties. Among other proceedings of this description, the enemies of the colony laid hold of one of the laws that had been passed by the Connecticut assembly, more than fifty years before, against the quakers, at the time of the general persecution of these sectaries in New England; and which, as it had been enacted before the last Connecticut charter was granted, could never imply an abuse of the powers which this charter conferred. A complaint against this law was presented to the queen in council, describing it as an ordinance recently enacted, and beseeching her majesty's interposition to prevent the injustice which it threatened from being carried into effect. In vain the colonial agents endeavoured to prevent the sanction of a royal order from being given to this charge by offering to prove, that the law had been enacted half a century before, that it had never been carried into effect even at that time, and was long since deemed obsolete, and that no suspicion could now have been reasonably entertained of an attempt to revive it, as there was not a single quaker living in the colony. An order of council was issued, nevertheless, stating the complaint exactly in the terms in which it had been presented, and annulling the law as a recent enactment, and contrary to the colonial charter. To give greater efficacy to this proceeding, the quakers of London, who had been instigated to support the complaint, and must, therefore, have known the explanation which it had received, presented a public address of

thanks to the queen, for her gracious interposition in behalf of their brethren in New England; taking especial care so to word their representation of what she had done, that the public should not be undeceived as to the date of the law that had been repealed. Nay, more than seventy years after, Robert Proud, a quaker and American historian, with astonishing ignorance or shameful partiality, published a copy of the queen's order in council, and of the quaker address, with the preliminary remark, that "About this time (anno 1705) the quakers in America seem to have had reason to be alarmed by a singular act of assembly passed in the colony of Connecticut; the substance or purport of which appears by the order of Queen Anne in council, made upon that occasion." Proud, i. 465, 6. Trumbull's Connecticut, i. 420.

William Penn probably partook the general prejudice entertained by his fellow sectaries against the people of New England; and it is certain that he carried on a friendly correspondence with Randolph, who had rendered himself so odious to that people, and done so much to destroy their liberties (*ante*, b. ii. cap. iv. and v.). But it is with sincere pleasure, I add, that he appears to have had no concern whatever with this proceeding of the London quakers in 1705. Indeed, it appears (from Clarkson's Life of him, vol. ii. cap. xvi.) that he was at this time involved in great perplexity by the embarrassed state of his circumstances, and compelled to reside within the rules of the Fleet prison. It is the more necessary to note this, as two years before he had carried up an address from the quakers of England to Queen Anne, thanking her for her general declaration of indulgence to all dissenters.

No sectaries have ever evinced a stronger corporate spirit than the quakers. None have shown a keener sense or more lasting resentment of injuries sustained by any member of their fraternity. It was the opinion of *Turgot*, says his biographer *Condorcet*, "that only good men were capable of sustained indignation and displeasure." In truth, this is a frailty which many good men have too readily indulged. Deeming offences against themselves offences against goodness, and convinced of their own good intentions, they have forgotten to believe in their own imperfections, or to make allowance for the infirmities of others; and so have cherished passions and prejudices that obscured their moral discrimination, and on some occasions rendered their general honesty of little avail.

The quakers have always delighted to exaggerate the persecutions that they have encountered. An illustrious

French traveller has been so far deceived by their vague declamations on this topic, as to assert that quakers were, at one time, *put to the torture* in New England.—Rochefoucault's *Travels*, i. 525.

NOTE XVII. P. 474.

Of the condition in which Penn continued to linger for a number of years before his death, an interesting account is given by Thomas Story the quaker, (whose account of the yellow fever at Philadelphia in 1699 I have already noticed), who, arriving from America in 1713, proceeded to pay a visit to all that remained of his venerable friend. "He was then," says Story, "under the lamentable effects of an apoplectic fit which he had had some time before; for his memory was almost quite lost, and the use of his understanding suspended, so that he was not so conversable as formerly, and yet as near the truth, in the love of it, as before; wherein appeared the great mercy and favour of God, who looks not as man looks. For though to some this accident might look like judgment, and no doubt his enemies so accounted it, yet it will bear quite another interpretation, if it be considered how little time of rest he ever had from the importunities of the affairs of others, to the great hurt of his own, and suspension of all his enjoyments, till this happened to him, by which he was rendered incapable of all business, and yet sensible of the enjoyment of truth as at any time in all his life. When I went to the house, I thought myself strong enough to see him in that condition; but when I entered the room, and perceived the great defect of his expressions from want of memory, it greatly bowed my spirit under a consideration of the uncertainty of all human qualifications, and what the finest of men are soon reduced to by a disorder of the organs of that body with which the soul is connected and acts during this present mode of being. When these are but a little obstructed in their various functions, a man of the clearest parts and finest expression becomes scarcely intelligible. Nevertheless, no insanity or lunacy at all appeared in his actions; and his mind was in an innocent state, as appeared by his very loving deportment to all that came near him. And that he had still a good sense of truth, is plain by some very clear sentences he spoke in the life and power of truth in an evening meeting we had together there, wherein we were greatly comforted; so that I was ready to think this was a sort of sequestration of him from all the concerns of this life, which so much oppressed him, not in judgment, but in mercy, that he might

have rest, and not be oppressed thereby to the end."—Clarkson, ii. 335. Yet some writers have believed that, at this very time, Penn was engaged with the Jacobites in concerting plots in behalf of the Pretender. This allegation appeared the more plausible, as proceeding from the State Papers (published by Macpherson) of Nairne, an under secretary at the Pretender's court; although the statements in these papers are founded entirely on the reports sent to France by two obscure Jacobite spies in England.

William Penn lingered in this condition till the 30th of July, 1718, when he closed his long and laborious life. This event, though long expected, was deeply bewailed in Pennsylvania; and the worth of Penn honourably commemorated by the tardy gratitude of his people.—Proud, ii. 105. 120. 122.

NOTE XVIII. P. 487.

"It is remarkable," says a distinguished modern statesman and philosopher, "how exactly the history of the Carthaginian monopoly resembles that of the European nations who have colonized America. At first, the distant settlement could admit of no immediate restraints, but demanded all the encouragement and protection of the parent state; and the gains of its commerce were neither sufficiently alluring to the Carthaginian merchant from their own magnitude, nor necessary to him from the difficulty of finding employment for his capital in other directions. At this period, the colony was left to itself, and was allowed to manage its own affairs in its own way, under the superintendence and care of Carthage, which protected it from foreign invasion, but neglected its commerce. In this favourable predicament, it soon grew into importance; some of the Carthaginian merchants most probably found their way thither, or promoted the colonial speculations by loans; at any rate, by furnishing a ready demand for the rude produce.

"In this stage of its progress, then, we find the colony trade left free; for the first of the two treaties, prohibiting all the Roman ships of war to approach within a certain distance of the coast, allows the trading vessels free access to all the harbours, both of the continent and the colonies. This intercourse is even encouraged with the port of Carthage, by a clause freeing the vessels entering, from almost all import duties. The treaty includes the Roman and Carthaginian allies; by which were probably meant their colonies, as well as the friendly powers; and the clause, which expressly includes the colony of Sicily, gives the

Romans all the privileges in that island which the Carthaginians themselves enjoyed. At this period, it is probable that the commerce of Rome excited no jealousy, and the wealth of the colonies little avarice; although a dread of the military prowess of the former seems to have given rise to the negotiation.

"Some time afterwards, another treaty, conceived in a different spirit, and formed exactly upon the principles of the mercantile system, was concluded between those celebrated rival powers. The restrictions upon the navigation of the Roman ships of war are here extended and enforced; the freedom of entry into the port of Carthage is continued, and into the ports of Sicily also, the Romans granting to the Carthaginians like privileges at Rome. But the Romans are debarred from plundering, trading, or settling (a singular conjunction) upon the coast of Africa Propria, which was peopled by Carthaginian colonies, and furnished large supplies of provisions and money to the city. The same restriction is extended to Sardinia; and trading vessels are only permitted to enter the harbours of that colony for the space of five days, to refit, if driven thither by stress of weather. A singular clause is inserted, to which close analogies may be traced in the modern questions of neutral rights and contraband of war;—if any Roman troops shall receive stores from a Carthaginian port, or a port in the provincial territories of the state, they are bound not to turn them against either the republic or her allies.

"The substance of this very singular document will suggest various reflections to my readers. I shall only observe, that we find in it the principles of the modern colonial system clearly unfolding themselves; and that we have every reason to regret the scantiness of our knowledge of the Carthaginian story, which, in so far as relates to the commerce of that people, breaks off here, and leaves us no trace of the farther restrictions most probably imposed by succeeding statesmen upon the growing trade of the colonies."—Brougham's Inquiry into the Colonial Policy of the European Powers.

NOTE XIX. P. 496.

A good deal of irritation seems to have been excited in America, in the beginning of the eighteenth century, by some discussion that took place in parliament with regard to a project for the employment of felons in the royal dockyards of England. A bill for this purpose was passed by the House of Commons, but rejected by the House of

Lords as tending to discredit his Majesty's service in the dock-yards. This was commented on with just displeasure in an American periodical work, of which some passages have been preserved in Smith's History of New York. By making felony a passport to the advantages of an establishment in America, says this writer, the number of criminals is multiplied in England; and the misery of the industrious poor is aggravated by the discredit attached to the only certain means of improving their condition. "There are thousands of honest men," he continues, "labouring in Europe at fourpence a day, starving in spite of all their efforts, a dead weight to the respective parishes to which they belong; who, without any other qualifications than common sense, health, and strength, might accumulate estates among us, as many have done already. These, and not the felons, are the men that should be sent over for the better peopling the plantations."—268, 9.

THE END.

LONDON:
Printed by A. & R. Spottiswoode,
New-Street-Square.

ERRATUM.

Page 484, Note 3, line 3, instead of "The most distinguished writer on the other side of the question," *read* "A still more distinguished writer on the same side of the question."

00037220

Digitized with financial assistance from the
Government of Maharashtra
on 10 February, 2016